#### UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

FLUOR CORPORATION,	)	
	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	No. 4:16CV00429 ERW
	)	
ZURICH AMERICAN INSURANCE	)	
COMPANY,	)	
	)	
Defendant/Counterclaim Plaintiff.	)	

#### **MEMORANDUM AND ORDER**

As requested, the Court has ruled on the objections in designated depositions presented in Zurich's Objections and Counter-Designations to Fluor's Deposition Designations and Discover Designations [670] and Fluor Corporation's Objections to Zurich American Insurance Company's Deposition Designations and Fluor Corporation's Counter Designations [674] for the following potential witnesses:

- 1. John Quinn June 21, 2019 and December 13, 2019
- 2. JoLynn Pollard Scharrer January 20, 2020
- 3. Paul Bruno August 1-2, 2019
- 4. Marc Halpern January 7-8, 2020
- 5. Matthew Porten June 11, 2019
- 6. Vincent Biancamano January 15, 2020
- 7. Andrew Rothschild January 14, 2020
- 8. John Mahoney January 14, 2020

1. John Quinn

USDC, E	Deposition of M June 11 astern District of Mis	l, 2019	-cv-00429
Zurich's Designation	Fluor's Objections	luor's Counter Designation	Zurich's Objections to Counter Designation
290:5–290:6		<i></i>	

# G. Deposition of John Quinn (June 21, 2019)

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
7:3–7:5			
7:20–7:21			
8:24–9:21			
25:13–26:6		26:15-19, 26:21-22	Bernit
29:4–29:9			
29:14-29:15			
29:17–29:24			
30:10-30:19			
30:21-31:1			V-7 1 15
31:3–31:25	assumes facts not in		
overruld	evidence, ambiguous, confusing [611(a)] calls for speculation		
	[602, 701, 702]		
32:2–32:5			
32:13–32:16			
32:19–32:20			
33:15–34:16			,
34:18–35:20			
35:24–36:21	•		
36:23–37:3			
38:19–38:23			
38:25–39:4			
45:4-45:7			
45:10–46:8			
46:10-46:11			
46:14-46:24			
47:2–47:10			

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429			
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
47:12-47:16	assumes facts not in evidence, ambiguous, confusing [611(a)] lack of foundation	**	
	[104(a), 901, 902]		
47:19–47:20	assumes facts not in evidence, ambiguous, confusing [611(a)]	47:21-23, 47:25-48:5	
sumuld	lack of foundation [104(a), 901, 902]		
48:6-48:7			
48:11–48:15			
54:22-57:14			
57:22–58:20	calls for speculation		
overwed	[602, 701, 702]		
59:4-59:8		,	
59:10-59:15			
59:17-60:11			
60:15-60:25			
61:1-61:10			
62:1–62:9			
62:16–63:3			
63:11–64:8			
64:11–65:11			
71:1–72:7			
72:24–73:12			
73:19–74:18			
74:23–76:1			
76:4–76:8	calls for speculation [602, 701, 702]		
overruled	lack of foundation [104(a), 901, 902]		
76:11–76:17	calls for speculation		
overuled	[602, 701, 702]	·	

	Deposition of		
IISDC I	June 2 Fastern District of Mis	1, 2019 ssouri, Case No. 4:16-c	-v-00420
USDC;	Dastern District of Mis	Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	<ul> <li>A service of the control of the contro</li></ul>	Counter Designation
	lack of foundation	<b>8</b>	- Country Dosignation
	[104(a), 901, 902]		
76:20–76:22	calls for speculation [602, 701, 702]		
overuled	lack of foundation [104(a), 901, 902]	man	
78:18-80:8		81:11-83:7, 83:20-25	All and
84:16-84:24			1 minus
85:4–86:12		87:7-10	pennet
90:4-90:6 Merryled	relevance [401, 402]		1
90:9-91:12 surruled	relevance [401, 402]	91:13-20 Punt	
95:13–95:15	relevance [401, 402]	93:15-94:22 <sub>per 9</sub> 4:25-	phint-
overruled		95:2 print	<b>'</b>
95:18-96:12 óurnulu	relevance [401, 402]		
97:24-97:25 over ule	/relevance [401_402]	98.1-2 98.8	
98:24-99:13 over who		98:1-2, 98:8 pum	XI
100:2-101:6 overvules			
101:9-102:20 wymly		10/	
102:4–102:12	relevance [401, 402]	102:13-16, \$\sqrt{102:18-}	ment
overwed	1010 (01100 [ 101, 102]	103:4 punt	
104:24–105:			
105:3–105:7			
105:10		a surf	100
107:18-107:22 °	relevance [401, 402]	107:23-24, 108:1, 108:4-6, 108:12- 109:18 per	Pernt and
115.22 116.5	rolovanaa [401 400]	109:18	
115:23-116:5 menuled	relevance [401, 402] relevance [401, 402]	<b>V</b>	
117:7-117:16 ounded	relevance [401, 402]		·
			1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 - 1990 -
117:22-117:25 Juny	relevance [401, 402]		
118:4-118:5 our left			
118:11-118:12 June 1	relevance [401, 402]		
	1010 variou [401, 402]		
119:1–119:4 119:6	•		
124:12–124:19			
128:8–128:23	A		
130:25–131:3	calls for legal	<u> </u>	
	conclusion [701,		
	-51101001011 [701,		

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
	704], lack of foundation [104(a), 901, 902], lay opinion [701], calls for speculation [602, 701, 702], relevance [401, 402]	·	
131:9–131:13	calls for legal		
	conclusion [701,		
August 1	704], lack of		A CARLON CONTRACTOR
overruled	foundation [104(a),		100 27
	901, 902], lay		j.
	opinion [701], calls		v**
	for speculation [602,		
	701, 702], relevance		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
1	[401, 402]	. 15.	
121.16 121.10	11- C11		A STATE AND A
131:16–131:18	calls for legal		
	conclusion [701, 704], lack of		142 A
outmilet	foundation [104(a),		
	901, 902], lay		
	opinion [701], calls		CARTINIAN C
	for speculation [602,		A SECTION ASSESSED.
	701, 702], relevance		
* + 11	[401, 402]		,
134:9–135:1			
139:16–139:20		:	
139:23			
140:23–141:2			
141:5		-1	,
141:25–142:2			Tora,
142:5–142:9			
142:11–142:12			77
142:15–142:16			
143:5–143:14			
143:17-143:19		144:10-18 Sumt	•
145:16–146:9			

USDC,	Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429			
		Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
146:12-146:24	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			
147:2-147:16 Sustained	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)],	147:21-23 Pumm		
	calls for speculation [602, 701, 702]			
147:19-147:20	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			
148:18–148:19	lack of foundation			
Shes is the guintimes by the entirely was H ash In a ruling, orunned	[104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			
148:21-148:24 Serstained	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
	The state of the s	Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
151:19–151:23			
151:25–152:1		152:2-9 punt	
152:10-152:11	·	١	
152:13–152:15			· · ·
153:3–153:5			
153:7-153:15 Sustamil	ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]		
153:20-154:6 Lustainer	ambiguous, confusing [611(a)], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]	154:7-13 ferrit 154:15-17 ferrit 154:20-155:12 permit	
158:4–158:5			
159:4–159:16			
160:2–160:14			
160:16–160:21			
161:14–163:1			
163:4–163:9			
163:12–163:15			
163:18-163:22			
163:24-164:2			
164:4–164:18			
164:20–165:4			
165:6–165:13	•		
165:15–165:18			
165:20–166:2			10
166:4–166:7			
166:10–166:16			
166:18–167:9			
169:21–169:22			
170:7–171:18		175:25-176:3, 176:5, 176:8-177:2	permet all
178:7-180:9 Sustained	assumes facts not in evidence, ambiguous,		

USDC,	Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429			
		Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
	confusing [611(a)], calls for speculation [602, 701, 702], relevance [401, 402]		·	
180:12-181:6	assumes facts not in evidence, ambiguous, confusing [611(a)],	181:23-182:1, 182:4- 8	pernit	
	calls for speculation [602, 701, 702], relevance [401, 402]		1	
182:9–182:16				
182:19–182:21				
197:14–199:1				
199:3–200:5		201:22-203:2		
203:22-204:22	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			
204:24-205:2	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]			
205:4-206:8 Dyerrald	lack of foundation [104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]	•		

Zurich's Designation	astern District of Mis	CUILL I SEV AU T. IP-V	Deposition of John Quinn  June 21, 2019  USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation						
	Fluor's Objections	Fluor's Counter	Zurich's Objections to			
206:10–206:18	lack of foundation	Designation	Counter Designation			
Ouevillet.	[104(a), 901, 902], assumes facts not in evidence, ambiguous, confusing [611(a)], calls for speculation [602, 701, 702]	206:19-23 Frank 207:16-208:7 Frank	NT			
214:23–214:24						
215:3–215:8						
215:10–215:23						
216:13–217:5						
219:5–219:21			5			
221:16–221:24						
222:2–222:10						
224:20-224:23						
225:1–225:12	•		•			
225:14-227:5		-				
231:7–234:14						
235:25–236:11						
236:13–236:16						
240:20–241:1						
241:3–241:14		242:8-16				
245:4–245:5		ZIZIO TO POSTONIA				
245:7–245:17						
247:2–247:14						
247:16–247:20						
258:18–259:19						
259:21–261:17						
261:20–261:25						
262:7–262:8						
	relevance [401, 402]					
266:7-266:14 ourseld	relevance [401, 402]					
	relevance [401, 402]					
	relevance [401, 402]					
	relevance [401, 402]					
	relevance [401, 402]					
	relevance [401, 402]					
269:13-270:16 Duenie						
271:4-272:13 jumel						

Deposition of John Quinn  June 21, 2019  USDC, Eastern District of Missouri, Case No. 4:16-cy-00429				
		Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
274:7-274:170 humal	relevance [401, 402]			
275:11-275:19 averyal	relevance [401, 402]			
275:22-276:10 over 1	relevance [401, 402]			
276:14-276:186-UPARILLE	relevance [401, 402]			
279:2-279:5 overule	relevance [401, 402]			
279:8 June   relevance [401, 402]				
284:13-285:1 surml	relevance [401, 402]			

# H. Deposition of John Quinn (December 13, 2019)

Deposition of John Quinn  December 13, 2019  USDC, Eastern District of Missouri, Case No. 4:16-cy-00429			
and the second		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
8:15–9:17	lack of foundation		
	[104(a), 901, 902],		
overulal	calls for speculation		
Darrylin	[602, 701, 702],		
	relevance [401, 402]		
9:20-10:1	lack of foundation		
	[104(a), 901, 902],		
	calls for speculation		
ourned	[602, 701, 702],		
	relevance [401, 402]		
17:17–17:20			
18:24–19:5	lack of foundation	18:6-23 Cerm	A
. 0	[104(a), 901, 902]		
overmen	assumes facts not in		
	evidence [611(a)]		
	calls for hearsay, no		
	exception [801]		
19:7–19:24	lack of foundation	19:25-20:6 pww 20:9-21:4 pww	W
<b>,</b> \	[104(a), 901, 902]	20:9-21:4 pinn	$\mathcal{T}$
TI WILLIAM	assumes facts not in	/	
5 warrulus	evidence [611(a)]		
	calls for hearsay, no		
	exception [801]		
24:6–24:22	improper designation		
	(Non-Testimony),		

USDC	Deposition of December C, Eastern District of Miss	13, 2019	7 <b>-00429</b>
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
	assumes facts not in		• • • • • • • • • • • • • • • • • • •
·	evidence, ambiguous,	18.0	g were to
	confusing [611(a)],	.9	\$ 1. Cart
	relevance [401, 402]		
33:19–35:1	assumes facts not in		<b>~</b> •
0	evidence, ambiguous,		
overrheit	confusing [611(a)]		
G-000 000	relevance [401, 402],		
	calls for hearsay, no		
	exception [801]		
35:21–36:7	assumes facts not in		
	evidence, ambiguous,		
1.1	confusing [611(a)]		
overruld	relevance [401, 402],		,
	calls for hearsay, no		
	exception [801]		
36:9–36:23			
38:5–38:14	assumes facts not in		
$\cap$	evidence [611(a)]		
overulel	calls for speculation		
	[602, 701, 702]		
38:19-38:24	assumes facts not in		
n	evidence [611(a)]		
overruly	calls for speculation		
-	[602, 701, 702]		
39:2-40:16			
40:18-41:17			,
44:13-45:8			
45:11–46:10			
46:13–46:16			
52:8-52:14			
52:18-53:23	lack of foundation		
	[104(a), 901, 902]		
	calls for hearsay, no		
, )	exception [801]		
ourneled	confusing and		
0	misleading [611(a)]		
	calls for speculation		
	[602, 701, 702]		
	relevance [401, 402]		
54:3-54:7 grennly	lack of foundation		

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Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
OSDC	, Eastern District of Mis	Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
Zanon b Zongnatton	[104(a), 901, 902]	Tours named	Countor Posignation	
Everwled (see P.32)	calls for hearsay, no exception [801] confusing and			
Case P.371	misleading [611(a)] calls for speculation			
	[602, 701, 702]			
55.10.55.01	relevance [401, 402]			
55:19–55:21				
55:24-56:13				
56:17-56:18				
84:19–85:4	1 5404 4007			
86:3-86:5 sounded	relevance [401, 402]			
86:8-86:10 overules	<u> </u>			
86:19–88:4	calls for hearsay, no			
overruled	exception [801] confusing and			
	misleading [611(a)]			
00.7.00.16	relevance [401, 402]			
88:7–89:16	calls for speculation			
overruled	[602, 701, 702]			
Gurman	confusing and			
	misleading [611(a)]			
89:19–89:23	relevance [401, 402] calls for speculation			
09.19-09.23	[602, 701, 702]			
	confusing and			
overrulel	misleading [611(a)]			
	relevance [401, 402]			
90:1–90:11	calls for speculation			
	[602, 701, 702]			
overuled	confusing and			
Guerran.	misleading [611(a)]			
	relevance [401, 402]		,	
90:14-90:20	calls for speculation			
	[602, 701, 702]			
1 Querules	relevance [401, 402]			
90:23-91:9 verreli	calls for speculation		r i	
1 morrilet	[602, 701, 702]			
	relevance [401, 402]			
91:12-91:21 over ml	relevance [401, 402]			

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Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation	
re A. 33	assumes facts not in evidence, ambiguous, confusing [611(a)]			
91:23-92:1 ourneled	relevance [401, 402] assumes facts not in evidence, ambiguous, confusing [611(a)]			
92:12-93:18 overreled	calls for speculation [602, 701, 702] relevance [401, 402]			
93:21-94:2 overneld	calls for speculation [602, 701, 702] relevance [401, 402]			
94:4-94:20 ouerruled	calls for speculation [602, 701, 702] relevance [401, 402]			
94:22-94:24 surville	calls for speculation [602, 701, 702] relevance [401, 402]			
95:3-95:18 oversulu	calls for speculation [602, 701, 702] relevance [401, 402]			
95:20-96:1 Televiles	calls for speculation [602, 701, 702] relevance [401, 402]			
96:4-96:19 Darrules	calls for speculation [602, 701, 702] relevance [401, 402]			

I. Deposition of Andrew Rothschild (January 14, 2020)

USDC,	Deposition of An January Eastern District of Mis	14, 2020\	v-0 <b>042</b> 9
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
17:7–18:3			
18:11–19:10			
20:10-21:18	releyance [401, 402],		
	assumes facts not in	,	

# B. Deposition Testimony of John Quinn, June 21, 2019

USDC.	June 2	f John Quinn 21, 2019 ssouri, Case No. 4:16-cv	v-00429
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
7:3-5			·
7:20-21			
8:24-9:6		9:7-9:21 Parm	<b>T</b>
11:13-20		11:21-11:22, 25:13-26:6, p. 29:4-29:9, 29:14-29:15, 29:17-29:24, 30:10-30:19, p. 30:21-31:1, 31:3-31:25, p.	mt
		32:2-32:5, 32:13-32:16, 32:19-32:20 Com	w
32:21-33:3			
33:6-14		33:15-34:16, 34:18-35:13	Permit
35:14-20			
35:24-36:9		36:10-36:21, 36:23-37:3	ennt
39:8-11		38:19-38:23, 38:25-39:4	sent
39:13-40:5			
40:15-17			
40:20-41:11		*	
41:14-18			
48:16-18		45:4-45:7, 45:10-46:8, 46:10-46:11, 46:14-46:24, 47:2-47:10, 47:12-47:16, 47:19-47:20, 48:6-48:7, 48:11-48:15	pennt pennt pennt pennt
48:20-49:16	Objection, foundation, hearsay, speculation		
49:18-50:19	Objection, foundation,		

USDC	요즘 보다 가는 사람이 되면 되었다. 얼마나 나는 사람들은 사람들은 사람들이 얼마나 얼마나 나를 했다.	of John Quinn 21, 2019 ssouri, Case No. 4:16-c	v-00429
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
54:22-55:9	hearsay, speculation	55:10-57:14	
57:22-58:13	· ·	55:10-57:14 pund 58:14-58:20 pund	
59:10-15	Need 59:4-59:8 for completeness material	58.14-38.20 pm	
59:17-21	Apple-2011	59:22-60:11, 60:15-60:22	mt
60:23-61:25		62:1-62:9, 62:16-62:24	
62:25-63:3		$\mu$	
63:11-64:8			
64:11-13	1 3 3 3 1 4 A A	64:14-64:20	
64:21-67:11 overweld	Objection to 66:6-66:13 as hearsay, lack of foundation	perm	
67:14-23 proces	Objection, speculation		
71:25-72:7		71:1-71:24, 72:24-73:10	umt
73:11-12			i
73:19-74:1		74:2-74:13 pm	1
74:14-18	•		
74:20			
74:23-25		75:1-75:3, 75:6-76:1, 76:4-76:8, 76:11-76:17, 76:20-	1
87:22-25		76:22, 78:18-80:8°	umi
88:3-24			
104:24-105:1			
105:3-6		105:7, 105:10	_ <u>_</u>
105:11-106:8	10	107:18-107:22	m _
123:1-4 oww	Objection, foundation	107.10-107.22 pu	m
123:7-17	Objection, foundation	124:12-124:19	- <i>F</i>
123:7-17	Objection, foundation	161:20-162:15	
161:14-19		161:20-162:15	m
162:3-10		160 00 160 1 160 1160 0	0
162:16-19		162:20-163:1, 163:4-163:9, 163:12-163:13	Simt
163:14-15			
163:18-22			
163:24-164:2			
164:4-18			
164:20-165:4 165:6-9	and the same of th	165:10-165:13, 165:15- 165:18, 165:20-166:2, 166:4-166:7, 166:10-166:16, 166:18-167:9	Pernt Pernt Pernt
سىنى 167:10-168:7	Strike as non-responsive	200120 20717	Y
197:14-19		197:20-198:24	acoust
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Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
198:25-199:1				
199:3-199:23	and 2	199:24-200:5	rent	
200:13-16 A	Objection, speculation			
200:19-201:2 W	Objection, speculation		4	
208:8-18		203:22-204:22, 204:24- 205:2, 205:4-206:8, 206:10- 206:18	permit sent	
208:22-209:1			1	
209:3-13				
239:5-8 MM	Objection, speculation			
239:10-240:5 <b>xw</b>	Objection, speculation	240:20-241:1, 241:3-241:14	unt	
259:17-19		258:18-259:16	assut,	
259:21-260:2	49	260:3-261:17, 261:20- 261:21	pine	
261:22-25	WW. S.		93	
262:7-13	Objection to 262:9-262:13			
262:17-263:16	Objection, hearsay			

# C. Deposition of John Quinn, December 13, 2019

Deposition of John Quinn December 13, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
33:21-34:2		34:3-35:1, 35:21-36:7, 36:9	nut	
36:10-23		38:5-38:14, 38:19-38:24, 39:2-39:3	pent	
39:4-40:16				
40:18-42:8	Strike answer after "there" at 41:23-42:8 as non-responsive			
43:5-44:12		44:13-45:8, 45:11-46:10, 46:13-46:16	perut	
46:17-47:22	Strike answer after "items" at 46:21-47:18 as non-responsive			
47:25-48:22	Strike answer after "discussion" at 48:8-14 as speculation			
48:24-49:22	Strike as non-responsive	Text		
50:11-16				

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	JUH	m Q	Page: 18 of 103 PageID #: 49515

50:19-52:1 Strike as non-responsive

#### D. Deposition of Paul Bruno, August 1-2, 2019

Zurich objects to all of Fluor's designations of deposition testimony of its own Rule 30(b)(6) designee, Paul Bruno, on August 1, 2019. Bruno's 30(b)(6) deposition can be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3) by Zurich, the adverse party, but that rule provides no basis for Fluor to do so. Much of Bruno's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Bruno testified as Fluor's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

	USDO	Deposition ( August E, Eastern District of Mi	of Paul Bruno 1-2, 2019 issouri, Case No. 4:16-c	v-00429
	Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	8:16-175 Jan	Øbjection, irrelevant	9:1-9:17 persont	Second State and Section 1997
	8:19-25 A	Objection, irrelevant	9:1-9:17	
	13:19-14:2			
	14:19-21			
	17:7-8			
	27:17-28:1			
	61:23-62:12		58:14-58:19, 59:10-59:20, 60:16-60:20, 61:14-61:22	emat
	64:18-21 orusulul	Objection, foundation, legal opinion	f	
	64:24-25 ouch share	Objection, foundation, legal opinion		·
	65:1-67:12	Objection to 65:2-65:25 and		
	P. 65 116-21 Surface	66:1-66:19 as lacking foundation; Further strike		,
	67 P10 - 12 Sunteent	65:16-65:21 and 67:10-	<b>\</b>	
	are acker ourseld	67:12 as non-responsive		
	68:16-69:2			
	74:6-75:24 Sustained	Objection, foundation, legal opinion		
	76:2/19 Suglained	Objection, foundation, legal opinion		
	79:1-80:1	Objection, foundation, legal opinion	80:2-80:22 Kernet	
	0 21/4-92:31	Objection, foundation, legal opinion		
4	92:5-24 Grandles	Objection, foundation, legal opinion		
	99:2-102:14	Objection, foundation, legal	\.	
	- Jumulit 3	opinion, mischaracterizes the record		
	104:23-105:5	Objection, foundation;		
	next page	8		

2. JoLynn Pollard Scharrer

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Both Side of Rece

J. Deposition of JoLynn Scharrer, née Pollard (January 20, 2020)

	Deposition of JoLynn January Castern District of Mis	20, 2020	
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
12:4–12:13			
16:13–16:15			
20:8-22:14			
22:22–23:4			
25:15–25:17		·	
30:1–34:6			
208:20-209:18		1.0	
209:21-210:20 June	leading [611(c)]		, · ·
211:5–212:17	assumes facts not in		
Sustained	evidence [611(a)], calls for speculation		
	[602, 701, 702], calls for hearsay, no exception [801]		
215:1–215:5	exception [801]		
215:25–216:3	calls for hearsay, no	215:17-24 fermit	
213.23–210.3	exception [801],	215:17-24 fermit	
Muruled	leading [611(c)]		
216:10–217:3	calls for hearsay, no		
Siestained	exception [801],		
	leading [611(c)]		
217:18–218:11	calls for hearsay, no		
Siestamed	exception [801],		
	leading [611(c)]		
218:20-219:14	lack of foundation		,
	[104(a), 901, 902],		
	assumes facts not in		
overruled	evidence [611(a)],		
	leading [611(c)]		
219:17–220:8	lack of foundation		
	[104(a), 901, 902],		
0	assumes facts not in		
overrulel	evidence [611(a)],		
	leading [611(c)]		
220:11–220:23	Leading [611(c)] <sub>0</sub> lack of foundation		
222:2–222:5	1		
. 0	[104(a), 901, 902],		
ournell	calls for legal		
	conclusion [701,		

704],		
leading [611(c)]		}
lack of foundation		
[104(a), 901, 902],		·
calls for legal		
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1 4		
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1 - 1 - 1		
		,
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1		
[611(c)]		
	0051114 00516	
	1	Perma
	19	/)
calls for hearsay, no		
exception [801],		
relevance [401,		
402]		
calls for hearsay, no		
1		• •
relevance [401,		
	,	
1 4071		
[ 402]		
calls for hearsay, no		
<del>                                     </del>		
	lay opinion [701], leading [611(c)] lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)] lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)] lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]  calls for hearsay, no exception [801], relevance [401, 402] calls for hearsay, no exception [801], relevance [401, 402] calls for hearsay, no exception [801],	lay opinion [701], leading [611(c)]  lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]  lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]  lack of foundation [104(a), 901, 902], calls for legal conclusion [701, 704], lay opinion [701], leading [611(c)]  calls for hearsay, no exception [801], relevance [401, 402]  calls for hearsay, no exception [801], relevance [401, 402]  calls for hearsay, no exception [801], relevance [801], relevance [401, 402]  calls for hearsay, no exception [801],

237:15–238:1	calls for hearsau no	
	exception [801],	
	relevance [401,	
Builand'	402],	
Janma	calls for speculation	
	[602, 701, 702]	
238:5–238:11	calls for hearsay, no	
	exception [801],	
Summer	relevance [401,	
	402]	
238:15–238:24		

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#### L. Deposition of JoLynn Scharrer, January 20, 2020

	Deposition of JoLynn Scharrer			
		y <b>20</b> , <b>2020</b>		
USDC	, Eastern District of Mi	issouri, Case No. 4:16-0	ev-00429	
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
13:10-15		12:4-12:13, 16:13-16:15, 20:8-22:14	Court	
22:22-23:11			7	
25:15-25		26:1-26:2	sent	
26:10-14			Total Control of the	
30:1-5		30:6-32:19	a Mark	
32:20-33:1			1	
34:2-6		·		
38:1-12				
38:14-15				
38:21-25				
39:6-10				
43:14-44:24				
45:25-46:11				
47:16-19				
		34		

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
48:13-18				
49:3-8				
56:6-13			·	
57:10-16				
57:25-58:10				
62:4-14				
63:4-12				
63:20		Market Ma		
63:23-64:9				
68:16-69:5	Objection, foundation			
69:24-70:10	ountles			
70:15-24				
71:11-16				
71:23-72:10				
72:21-73:10				
73:17-74:3				
76:10-18				
77:1-78:4				
79:15-21	Objection, hearsay			
82:22-83:12	Objection, hearsay Objection, hearsay	85:18-86:1, 208:20-209:18. 209:21-210:20, 211:5- 212:17, 230:24-231:6, 232:7-232:16, 232:24-234:9, 235:8-236:20. 236:24- 237:13, 237:15-238:1, 238:5-238:11, 238:15- 238:24	Permit	
86:7-9	Objection, hearsay		11	
87:10-17	sustainer			
90:10-18				
91:5-9				
94:1-7	Objection, irrelevant, unfairly prejudicial, subject to Zurich MILLLE			
99:1-13	Objection, irrelevant, unfairly prejudicial, subject to Zurich MI			
102:1-5	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered laws			
102:11-12	Objection, irrelevant, unfairly prejudicial, subfect			

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
	to Zurich MI; Further objection, asked and answered			
102:14-16	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered			
104:15-21	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL			
105:4-17	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL	2		
108:10-14	Objection, irrelevant, unfairly prejudicial, subject to Zurich MIL; Further objection, asked and answered			
108:16-17	A STATE OF THE STA		A COMPANY AND ANALYSIS OF THE PROPERTY OF THE	
109:7-14		109:15-109:20 permit		
115:11-18				
116:6-117:19	Objection, foundation,			
117:21-22	hearsay ournell Objection, foundation, hearsay ornell			
118:3				
118:6-120:13	Objection to 119:6-120:13 as hearsay and lacking foundation			
120:19-121:14	Objection to 121:7-121:14 as hearsay and lacking foundation			
122:13-125:2	. Ind			
125:8-126:2 P1 2518 + L 25: EWEV	Objection to 125:21-126:2 as hears and lacking			
126:11-127:4	doundation,			
127:9-128:23	Objection to 128:2-128:23			
scernled	as hearsay and lacking foundation			
129:16-130:11	Objection to 130:10-11 as			
currented	calling for hearsay and lacking foundation			
130:20-131:4				
131:7				
131:9-24				

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
	Objection, hearsay, foundation			
132:16-24			,	
133:2-13				
Aconned	Objection, hearsay, foundation		· · · · · · · · · · · · · · · · · · ·	
134:14-15			7.4400000000000000000000000000000000000	
Accounted	Objection to 136:12-137:1 as hearsay and lacking foundation			
137:6-139:21	Objection to 137:25-138:14			
overmen	and 139:1-139:21 as hearsay and lacking foundation			
overuled.	Objection to 140:22-141:4 as hearsay, lacking foundation and legal	·		
	opinions subject to Zurich MIL 11			
142:8-143:24	Objection to 143:5-143:24		·	
or week	as hearsay and lacking foundation			
144:5-22				
145:2-19				
146:19-147:10				
147:18-148:6 Bustained	Objection to 147:18-148:6 as hearsay and lacking foundation			
148:12-16 Sustained	Objection, foundation,			
149:12-150:21 - 1.14.96 12-150 276 anumed 16 7-21 5mg	Objection to 149:25-150:21			
151:3-152:13 153:5-154:12				
154:19-155:12	Objection, foundation,			
155:19-156:15	hearsay			
156:20-157:15				
157:21-25 overruled	Objection, foundation, hearsay			
1.58:13-19	Objection, foundation,	Α.	-	
158:25-159:17		218:20-219:14, 219:17- 220:8, 220:11-220:23, 222:2-222:10, 222:12- 222:13, 222:16-222:17, 11 222:20-222:23, 224:23-1	- <sub>M</sub> , T	

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
		225:10		
160:4-7 Ouurukil	Objection, foundation, hearsay			
160:22-161:4	Objection, foundation, hearsay			
161:10-161:23	-			
162:2-10				
162:15 163:13 _	Objection, foundation, hearsay			
163:18-164:24	Objection to 164:21-164:24			
overruled	as calling for hearsay, lacking foundation			
165:2-24	Objection, foundation, hearsay			
	Objection, foundation, hearsay			
168:20-24 169:4-170:3				
170:20-171:18	Objection, foundation,			
500 Sund (	hearsay			
172:23-173:18 Suslavud	Objection, foundation,			
173:21-174:23	Objection to 174:14-174:23			
- 173/21-174/16 oumles/14/17-14-8	as hearsay, lacking foundation			
175:3-176:15		015.1.015.5.015.05.016.0	Plerinot	
176:18-177:12		215:1-215:5, 215:25-216:3, 216:10-217:3, 217:18-	reim r j	
177:15-178:25 177.L.15-178L &	Objection to 178:2-178:25			
177.L. 15-1784 & overruly P178'L7-35	foundation			
180:7-181:13			,	
181:20-182:14	Objection, foundation,			
- Buslained	hearsay		,	
/182:17-183:15 Surfamed	Objection, foundation, hearsay			
183:19-23 Suslanneh	Objection, foundation, hearsay			
184:1-185:5	Objection to 184:21-185:5 as hearsay, lacking			
Duryled	foundation		l.	
185:12-186:4				
186:23-187:18				

Deposition of JoLynn Scharrer January 20, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter  Designation	
188:5-12 188:15-17		- No. of the Control		
189:5-13 ouerweed	Objection, foundation, hearsay			
189:18-190:15 190:16-18 Oxierral	Objection, foundation, calls for hearsay			
190:20-191:5	Objection to 190:20-190:23 as hearsay, lacking			
overella 191:10-192:1 Olevull	foundation Objection to 191:25-192:1 as hearsay, lacking			
192:3-16 Everyulch	foundation Objection to 192:3-192:8 as hearsay, lacking foundation	·		
192:21-193:16 194:1-18	Objection to 194:5-194:12			
194:23-195:25	as hearsay, lacking foundation			
196:7-197:16 P19617-19717	Objection to 196:22-197:1 and 197:8-197:16 as			
p.197L8-16 Sustained	hearshy, lacking foundation; Further objection that 197:17-197:19 is necessary for completeness			
197:20-198:1 Sustained	Objection, foundation,			
198:6-199:4 0199:6-711	Objection, foundation, hearsay			
199:10-16 Sustained 199:22-200:2	Objection, foundation, hearsay			
200:5-17	Objection to 200:15-200:17 as hearsay, lacking			
Sustained 200:21-201:7	foundation Objection, foundation,			
201:10-20 Sustained	hearsay Objection, foundation,	· ·	·	
201:25-202:14	hkarsay			
202:19-21 203:2-22				
228:19-229:3 229:4-10				

Deposition of JoLynn Scharrer  January 20, 2020  USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
229:12-25				

# 3. Paul Bruno

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5.0:19-52:1	Strike as non-responsive	
Sulamy		

# D. Deposition of Paul Bruno, August 1-2, 2019

Zurich objects to all of Fluor's designations of deposition testimony of its own Rule 30(b)(6) designee, Paul Bruno, on August 1, 2019. Bruno's 30(b)(6) deposition can be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3) by Zurich, the adverse party, but that rule provides no basis for Fluor to do so. Much of Bruno's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Bruno testified as Fluor's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
8:16-175 Ward	Objection, irrelevant	9:1-9:17 permit		
8:19-25 A	Objection, irrelevant	9:1-9:17		
13:19-14:2			·	
14:19-21		,		
17:7-8				
27:17-28:1				
61:23-62:12		,,, ,	ernet	
64:18-21 . 0	Objection, foundation, legal	1	N/VIII	
orunded	opinion			
64:24-25 ouer energy	Objection, foundation, legal opinion			
65:1-67:12	Objection to 65:2-65:25 and			
P. 65 116-21 Surland	66:1-66:19 as lacking		,	
67 10 - 12 Surtend	foundation; Further strike 65:16-65:21 and 67:10-			
see acker ourused	67:12 as non-responsive			
68:16-69:2				
74:6-75:24	Objection, foundation, legal			
Sustanes	opinion			
76:2-19 Sustainel	Objection, foundation, legal			
79:1-80:1	opinion	20.2.20.22		
79:1-80:1 mier w.l.)	Objection, foundation, legal opinion	80:2-80:22 Penn		
91/4-92:2 1	Objection, foundation, legal			
ownition	opinion			
92:5-24 Guina lex	Objection, foundation, legal opinion			
99:2-102:14	Objection, foundation, legal			
oundel.	opinion, mischaracterizes the record			
104:23-105:5	Objection, foundation;			

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Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter  Designation	Plaintiff's Objections to Counter Designation	
Sustainel	Further strike as non- responsive			
Sustained 105:7-16 105 4 7-9 - Sustain 105 L 11-106 L7 Sustain	Objection, foundation; Further strike as non- responsive			
105:18-106:7 ruled above	Objection, foundation; Further strike as non- responsive			
118:18-119:14 Contained	Objection, foundation; Further strike as non- responsive	120:3-121:7 Permit		
121:8-25	Objection, foundation; Further strike as non-	122:3-122:8 pmm		
<u>Sustained</u> 122:21-123:5	responsive Objection, foundation; Further strike as non-			
130:17-131:15	responsive Objection, foundation;	130:8-130:16, 131:3-131:15	Des Maria	
overwill	Further strike as non-			
131:18-132:23	·	135:21-135:25, 137:12- fern 137:23	M	
148:2-5		146:1-146:2, 146:4-146:12	wind	
148:23-149:1 . Sustain	Objection, foundation, speculation	,	,	
	Objection, foundation, speculation			
Suclained	Objection, foundation, speculation			
153:14-22 Suztain	Objection, foundation; strike 153:20-153:22 as non- responsive			
	Objection, foundation, strike as non-responsive			
179 L 24-18013 Surland Herray 18014-18011	Objection to 179:21-180:3 as hearsay; Strike everything but question at 180:9-180:10 and answer "No" at 180:13	ť	·	
180:17-181:2	as non-responsive Strike everything after "Well, not necessarily" as			
199:12-200:22	non-responsive Objection, foundation,			
Sastavred	speculation about Fluor's state of mind, strike as non-responsive		,	
210:4-212:8	Objection, foundation, spaculation about Fluor's			

		Danasitian	f Daul Barra			
	Deposition of Paul Bruno August 1-2, 2019					
	USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
	Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation		
		speculation about Zurich's intentions, strike as non-responsive	decoderated automorphic visitable (Later Freedom happy 2011) Indian			
	220:2-222:11 Gritamul	Objection, foundation, speculation about Fluor's state of mind, legal opinion, speculation about Zurich's intentions, strike as non-				
	271:25-272:8	responsive Object to 271:25-272:3 as				
		irrelevant, non-testimony				
	275:25-276:24					
	277-19-278:7					
	279:6-14		202 4 202 15 202 14 //2:			
	280:3-16		282:4-282:15, 283:14- Pm 283:17 Ner mit			
	284:3-21		283:17 permit			
	285:1-16		285:17-286:4, 286:6-287:13	permit		
	287:14-16		, , , , , , , , , , , , , , , , , , , ,	1-00,000		
	287:24-288:2					
	289:25-290:4	Strike as non-responsive				
	48-290:8-23 512:23 ordinal	Strike as non-responsive	291:12-291:25, 293:1- pm 293:14 perm	mt		
	s 294:13c18cl	Strike as non-responsive	294:19-295:8 pm			
	296:16-297:1		300:12-301:9 sunt			
	307:22-25	Objection, foundation;				
	308:6-15	Strike as non-responsive				
	Suslavel	Objection, foundation; Strike as non-responsive				
	308:17-309:13	Object, foundation; strike as				
	P308 149-73 Duand	non-responsive	·			
3 68		Objection, foundation				
۱ ۲3°		Objection, foundation				
P 3 09 6 13	313:25-314:15					
Suitamod	314:18-22					
	314:24-315:6	***				
	P 3. C 1 A	Strike 315:22-24 as non- responsive				
. 1P315	317:18-21		316:21-317:17, 317:22- 318:3	nt		
-20-ft		Objection, foundation,	remel			
P315Lm	321:5-16			mit.		
25-314	322:13-18 (munul <sub>1</sub> )	Objection, foundation	324:24-324:25, 325:3-	and		

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Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429							
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation				
344:1-15			·				
344:20-345:11		345:12-345:18, 345:24- Pe	my				
		346:8, 347:9-350:22,					
		351:12-352:21, 353:13- 1/					
		353:16, 356:14-357:21, ()					
		358:5-358:13, 358:17-					
		358:25, 359:14-360:20					
387:24-388:10	Objection, legal opinion,						
387:24-388:10 onemil	subject to Zurich Rule 16 motion						

#### IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

FLUOR CORPORATION,

Plaintiff.

VS.

ZURICH AMERICAN INSURANCE COMPANY,

Defendant.

AND RELATED COUNTERCLAIMS AND CROSS-CLAIMS

Case No.: 4-16-CV-00429-ERW

Hon. E. Richard Webber

# FLUOR CORPORATION'S OBJECTIONS TO ZURICH AMERICAN INSURANCE COMPANY'S DEPOSITION DESIGNATIONS AND FLUOR CORPORATION'S COUNTER DESIGNATIONS

In accordance with this Court's Fourth Amended Case Management Order, dated February 22, 2019 (Dkt. 201), as amended in part by the Court's Orders, dated December 10, 2020 (Dkt. 495) and April 26, 2021 (Dkt. 515), Fluor Corporation ("Fluor") submits the following objections and counter-designations in response to the deposition testimony designated by Zurich American Insurance Company ("Zurich"):

#### A. Deposition of Paul Bruno (August 1-2, 2019)

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429						
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation			
58:14–58:19		58:20-59:2 Approx	approved			
59:10-59:20		1 1/1/1				
60:16–60:20						
61:14-61:22		61:10-13 gamm	appropried			
		AT OF VIEW	1			

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
		Fluor's Counter	Zurich's Objections to		
Zurich's Designation	Fluor's Objections	Designation	Counter Designation		
66:20–67:5			,		
68:16–69:2					
71:1–71:7					
83:3–83:21	ambiguous and				
oneruled	confusing [611(a)];   lack of foundation   [104(a), 901, 902]				
84:8-85:25	lack of foundation				
3-12-4-	[104(a), 901, 902], calls for speculation [602, 701, 702], calls for hearsay, no exception [801]				
89:5-89:13 ovensk	relevance [401, 402]				
94:13–94:18	calls for legal	94:19-95:9, 95:12-			
94:13-94:18, Sustained	conclusion [701, 704], lay opinion	15			
	[701], best evidence not offered [1001, 1002]	approved			
130:8–130:16			\		
131:3–131:15			4		
135:21–135:25		135:10-20 appro	a		
137:12–137:23	assumes facts not in	137:25-139:3			
ourned	evidence, ambiguous, confusing [611(a)]	137:25-139:3 , appropried			
146:1–146:2					
146:4–146:12	assumes facts not in	146:17-22			
ounded	evidence, ambiguous, confusing [611(a)]	approved			
148:2–148:17	lay opinion [701]				
sustained	calls for legal				
	conclusion [701,				
	704]				
e same of the same of	calls for hearsay, no				
	exception [801]				
152:19–152:24	lack of foundation				
ourniled	[104(a), 901, 902]				

Fluor's Objections summer facts not in evidence, ambiguous, confusing [611(a)] ack of foundation 104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)] relevance [401,	ouri, Case No. 4:16-6 Fluor's Counter Designation	Zurich's Objections to Counter Designation
essumes facts not in evidence, ambiguous, confusing [611(a)] ack of foundation 104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]	Dosignation	Country Designation
ack of foundation 104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		•
elevance [401		
elevance [401		
Foundation [104(a), 201, 902], calls for speculation [602, 701, 702], best evidence not offered [1001, 1002]		
relevance [401, 402], lack of foundation [104(a), 201, 902], calls for speculation [602, 701, 702], best white part of fered [1001, 1002], lay opinion [701]	198:17-24 N Mahun	
ack of foundation 104(a), 901, 902], use times facts not in evidence, umbiguous, confusing [611(a)] ay opinion [701], alls for legal	, <i>'</i>	
	elevance [401, 02], lack of oundation [104(a), 01, 902], calls for peculation [602, 01, 702], best of the content of the conte	elevance [401, 02], lack of oundation [104(a), 01, 902], calls for peculation [602, 01, 702], best of fered [1001, 002], lay opinion [04(a), 901, 902], stumes facts not in vidence, mbiguous, onfusing [611(a)] y opinion [701],

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429					
USDC, Las					
712 Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation		
Zurich's Designation		Designation	Counter Designation		
255:11–257:19 W	relevance [401, 402], lack of foundation [104(a), 901, 902], calls for speculation [602, 701, 702], best evidence not		(, , ,		
	offered [1001, 1002]		The state of the s		
282:4–282:15		282:16-25	Den - 1		
283:14–283:17			- avviv		
285:1–286:4					
286:6–287:13					
300:12-301:9 + 3601-12- 1.12 - Sentance (211-33 + 301 6 f- ourness	calls for speculation [602, 701, 702]				
316:21-318:3 overweed	relevance [401, 402]	·			
320:11–320:13	lack of foundation				
ourned	[104(a), 901, 902] relevance [401, 402]				
320:15–321:16	lack of foundation [104(a), 901, 902] relevance [401,				
overules	402] character evidence,				
	no exception [404(a)]	,			
324:24–324:25 W M	calls for speculation [602, 701, 702], lack of foundation [104(a), 901, 902],				
325:3–325:14	relevance [401, 402] calls for speculation				
525.5-525.1 <del>4</del>	[602, 701, 702], relevance [401, 402], calls for legal tonolusion [701] (1 704], lay opinion [701], lack of				

USDC, E	Deposition of August 1- Castern District of Miss	2, 2019	cv-00429
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
	foundation [104(a), 901, 902]		
325:17–326:12	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal conclusion, [701,		
osservatel.	[704], lay opinion 1 [701], lack of foundation [104(a), 901, 902]		
327:10–328:16	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal		
2 tames	conclusion [701, 704], lay opinion [701], lack of wt foundation [104(a), 901, 902]	7	
328:22-329:9 Suctamed	calls for speculation [602, 701, 702], relevance [401, 402], calls for legal		
1	conclusion [701, 104], lay opinion [701], lack of foundation [104(a), 901, 902]		
330:22-330:24			S. P. A. S.
331:8–331:10			
343:7–343:18	calls for speculation	348:18-349:21	The state of the s
ownled	[602, 701, 702], relevance [401, 402]	351:12-352:1 App	
352:3–352:21		351:12-352:1 APP	
353:13–353:16		353:3-12 appun	J.
356:14–357:21	best evidence not offered [1001, 1002], relevance [401, 402], calls for	7 1000	

Deposition of Paul Bruno August 1-2, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
overruled	speculation [602, 701, 702]	averated	
358:5-358:13	best evidence not offered [1001, 1002], relevance [401, 402],		
	calls for speculation [602, 701, 702]		
358:17–358:25			
359:14–360:20	best evidence not offered [1001,		
monded	1002], relevance [401, 402], calls for speculation [602, 701, 702],		
	calls for hearsay, no exception [801]		24 - 17 × 35
382:4-382:25	lack of foundation [104(a), 901, 902], relevance [401, 402], calls for speculation [602, 701, 702]		
383:3–383:12	lack of foundation [104(a), 901, 902],		., .,
ourulik ourush line 8: P. 39:3 suitanekasto	relevance [401, 402], calls for speculation [602, 701, 702]		

# B. Deposition of Vincent Biancamano (January 15, 2020)

USDC,	그러는 살이 많다 하는 것은 말이 없는 그들이다. 하는 것은 하는 것은 사람들이 살아 먹는 것이다. 그 사람들은	ncent Biancamano y 15, 2020 issouri, Case No. 4:16	-cv-00429
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
4:1-4:25			
5:25-7:15			

### 4. Marc Halpern

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USDC,	Januar	incent Biancamano y 15, 2020 Iissouri, Case No. 4:16	i-cv-00429
Zurich's Designation	Fluor's Objections relevance [401, 402]	Fluor's Counter Designation	Zurich's Objections to Counter Designation

#### C. Deposition of Marc Halpern (January 7, 2020)

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation
5:1-5:25			
6:5-6:15 Agrical	Improper designation, move to strike		
9:19–9:25			4 + 1 + 1 + 1 + 1 + 1 + 1 + 1 + 1 + 1 +
10:2-10:24			The specific of the second
14:20-14:25			• • • • • •
15:2-15:25 Justained	strike 15:14-21 as non-responsive		
16:2–16:25			
17:2–17:5			
18:4–18:22			
26:13–26:20			
33:20-33:25			
34:2-34:6			
37:23-37:25			
38:2-38:16			
38:24-38:25			
39:2-39:24			
42:17-42:20			
43:19–43:25	43:19-46:23 calls		
Gustarnel	for hearsay, no exception [801]	,	
	Lacks foundation		
44:2-44:25			
45:2-45:25			
46:2–46:23			
47:20-47:25			
48:7–48:22			

40.11 40.25			T
49:11-49:25			
50:4-50:16			
51:15-51:25			
52:2-52:23 f. 62 1.2-	Move to strike		
PIGI 4 19-13	32.11-10 as non-		
P. 184, 19 19-23	responsive		
55:21–55:25			
56:2-56:25			
57:2-57:25			
58:2–58:25			
59:2-59:25			
60:4–60:11			
60:24–60:25			
61:2–61:25			
62:2-62:5			
62:24–62:25			
63:2-63:25 P63 F2-2	calls for hearsay, no		
overulet. 4 23-25	exception [801]		·
63:2-63:25 P63 F2-25 overwhit. 4 28-25 64:2-64:25			,
65:2-65:4			
65:11–65:16			
65:17–65:25			
66:2-66:25			
67:2-67:25		69:10-13 Permit	
		69:16-17 Permit	
68:2-68:9		1247777	
70:11-70:25	calls for hearsay, no		
Overvatul	exception [801]		
71:2-71:10 672 63-9	calls for hearsay, no		
71:2-71:10 P72 L3-9	exception [801]		
71:13–71:25	<b>L L L L</b>		
72:2-72:25 63-9	calls for hearsay, no		
sentaine. LIG-15	exception [801]		
73:2-73:18	<u> </u>		
73:20–73:25			
74:2–74:3			
96:5-7			
96:10–96:13			
185:20–185:23			
186:5–186:18			
188:22–188:24	Improper		
Sustained	designation		5 N. V. C. (48.5)
192:11–192:22	3		
192:11–192:22 192:24–192:25			
192:11–192:22 192:24–192:25 193:2–193:7			

		·	
193:23–193:25	·		
194:2-194:10			
194:13-194:16			
194:18			The same of the sa
195:6–195:25			. 2 x 5 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
196:2–196:3			The second secon
196:5–196:25			
197:2–197:25	calls for speculation		
157.2 157.25	[602, 701, 702]		
surreled	[002, 701, 702]		
overreled	assumes facts not in		
	evidence,		
	ambiguous,		
	confusing [611(a)]		
	confusing [of f(a)]		
198:2–198:25	assumes facts not in		
190.2-190.23	1		The Board Control of the Control of
	evidence,		The state of the s
ournel.	ambiguous,		
	confusing [611(a)]		
	11 0 1		
· •	calls for speculation		
100 0 100 0 5	[602, 701, 702]		
199:2–199:25	assumes facts not in		·
overrelet	evidence,		
00000000	ambiguous,		
	confusing [611(a)]		
			, s. , s. , s.
200:2–200:8			and the second
200:10–200:20	lack of foundation		
overnled	[104(a), 901, 902]		
200:22-200:25			* * *
201:2-201:4	lack of foundation		Section of the sectio
	[104(a), 901, 902]		
overrules	assumes facts not in		
overrulet	evidence,		
	ambiguous,		
	confusing [611(a)]		
201:7–201:25	lack of foundation		
	[104(a), 901, 902]		
A	[10.(4), 501, 502]		
avenuled	assumes facts not in		10 m
	evidence,		
	ambiguous,		
L	confusing [611(a)]		

202 2 202 10			
202:2–202:10	lack of foundation		
	[104(a), 901, 902]		
Sustained	assumes facts not in		
	evidence,		
	, c, idence,		
	ambiguous,		
	confusing [611(a)]		İ
	calls for speculation		
	[602, 701, 702]		
202:21–202:25			
203:2-203:12			
212:18-212:25			
213:2-213:19	calls for speculation		
	[602, 701, 702]		
~ .a a 0	[002, 701, 702]		
overules	oolla for hoorages as		
	calls for hearsay, no		
·	exception [801]		
		•	
	lack of foundation		
	[104(a), 901, 902]		
213:21–213:25			
214:2-214:6			
214:25			
215:2-215:3			
215:5–215:11			
215:13–215:25			
216:3–216:10	lack of foundation		
Į,			
oversulid	[104(a), 901, 902]		
,	calls for speculation		
216:13-216:25			48
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	[ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [		1 10 10 10 10 10 10 10 10 10 10 10 10 10
sustained	colla for apopulation		
	_		·
217.2 217.9	[002, /01, /02]	. , (	The state of the s
	1 34~25p 237-624	vince.	30 10 10 10 10 10 10 10 10 10 10 10 10 10
222:5-222:25 h 3-12/			
sustained.			. • . 5
223:2–223:3			
	[104(a), 901, 902]		
223:7–223:17	lack of foundation		
overule	[104(a), 901, 902]		
216:13-216:25  217:2-217:8  222:5-222:25 h. 5-12-  viernish h. 13-13-  223:2-223:3  223:7-223:17	lack of foundation	mulil.	

#### D. Deposition of Marc Halpern (January 8, 2020)

USDC, Eastern District of Missouri, Case No. 4:16-cv-00429  Fluor's Counter Zurich's Objections  8:1-8:19 calls for speculation [602, 701, 702]  9:4-12:11 calls for speculation [602, 701, 702]  assumes facts not in evidence, ambiguous, confusing [611(a)]  assumes facts not in evidence, ambiguous, assumes facts not in evidence, ambiguous, confusing [611(a)]	
8:1–8:19 [602, 701, 702]  9:4–12:11  calls for speculation [602, 701, 702]  assumes facts not in evidence, ambiguous, confusing [611(a)]  assumes facts not in evidence, ambiguous,	
assumes facts not in evidence, ambiguous, confusing [611(a)]  assumes facts not in evidence, ambiguous, and assumes facts not in evidence, ambiguous,	
ambiguous, confusing [611(a)]  assumes facts not in evidence, ambiguous,	
evidence, ambiguous,	
confusing [611(a)]	
calls for speculation [602, 701, 702] calls for hearsay, no exception [801]	
12:22–13:4	
13:8–14:15  13:8–14:15  13:8–14:15  13:8–14:15  13:8–14:15  13:8–14:15  [602, 701, 702]  calls for hearsay, no exception [801]	
16:3–17:11	
18:1–18:13 assumes facts not in	
ambiguous, confusing [611(a)] calls for speculation [602, 701, 702	e jaren er Till a * e j
calls for hearsay, no exception [801] relevance [401, 402]	

18:18–19:11			1
20:14–20:21	assumes facts not in		
2011 20121	evidence,		
٠.	ambiguous,		
ر م	confusing [611(a)]		
Morrised	calls for speculation		
	[602, 701, 702		
	calls for hearsay, no		
	exception [801]		
21:1–21:18	exception [801]	21,10,22,5	
22:8–22:17	assumes facts not in	21:19-22:5	
22.8-22.17			•
overruled	evidence,		
	ambiguous,		
	confusing [611(a)]		
	calls for speculation		
22.20 24.1	[602, 701, 702]	04.0.07.1	1
22:20–24:1	C : 1	24:2-27:1 promot	
27:20–28:13	assumes facts not in	•	
	evidence,		
ourmel	ambiguous,		
	confusing [611(a)]		
	calls for speculation		
20.10.21.16	[602, 701, 702]		
30:19–31:16	24 20 25 22 26 12		
31:20–39:5	34:20-35:22, 36:13-	·	
	37:10, 38:6-38:25		
	assumes facts not in		$\mathcal{H}^{*}$
	evidence,		A STATE OF THE PROPERTY OF THE
surreled	ambiguous,		
Goodwar	confusing [611(a)]		· · · · · · · · · · · · · · · · · · ·
	calls for hearsay, no		
	exception [801]		
	calls for speculation		
20.7. 20.9	[602, 701, 702]		
39:7–39:8	11		• • • • • • • • • • • • • • • • • • • •
40:18–41:2	lack of foundation		
	[104(a), 901, 902]		
	assumes facts not in		
ociernal.	evidence,		
overwhile	ambiguous,		
	confusing [611(a)]		, a section of
	calls for speculation	·	, .
11:6 11:25	[602, 701, 702]		
41:6-41:25	assumes facts not in		
overrelet	evidence,		
	ambiguous,		

	C1		
	confusing [611(a)]		
	relevance [401, 402]		
42:10–46:16	46:1-16		
42.10-40.10	assumes facts not in		
	evidence,		the state of
overules	ambiguous,		
0 000	confusing [611(a)]		
	relevance [401,		
	402]		
47:16-48:2	relevance [401,		
	402]lack of		
	foundation [104(a),		Application of the second
	901, 902]		
	assumes facts not in		
overrules	evidence,		
000000000000000000000000000000000000000	ambiguous,		
	confusing [611(a)]	·	
	calls for speculation		gar gwraiae g
	[602, 701, 702]		
	relevance [401, 402]	,	
48:6-49:10	4023	50:18-51:14 Lemmit	
53:20-53:22		JOING ST. 14 PENNING	
54:1–54:3			,
58:17-58:22	Improper		
	designation		•
	assumes facts not in		
	evidence,		
Sustained	ambiguous,		, i
	confusing [611(a)]		
59:3–59:6	Improper		
	designation		
	assumes facts not in		
overall	evidence,		
	ambiguous, confusing [611(a)]		
59:10–59:13	confusing [off(a)]		
59:17–60:6	assumes facts not in		
33.17 30.0	evidence,		. ,
	ambiguous,		
ourneled	confusing [611(a)]		
	calls for legal		
	conclusion [701,		
	704]		
-	lay opinion [701]	,	•

(0.10, (0.16	<u> </u>		
60:10–60:16	assumes facts not in		
	evidence,		
`	ambiguous,		
	confusing [611(a)]		
	calls for legal		
scerulch	conclusion [701,		Sport to great
•	704]		
	lay opinion [701]		
62:1–62:7	calls for hearsay, no	-	
0211	exception [801]		
	assumes facts not in		
	evidence,		
	-		
	ambiguous,		
ouwuld	confusing [611(a)]	·	
	lack of foundation		
	[104(a), 901, 902]		
62:14–62:24	calls for hearsay, no	·	
	exception [801]		
	assumes facts not in		
overulel	evidence,		
	ambiguous,		
	confusing [611(a)]		
	lack of foundation		
	[104(a), 901, 902]		• • • •
63:3-64:21			
64:24–65:3			
65:16–65:25	calls for hearsay, no		
	exception [801]		,
Eletona I.	one-pron [col]		No. of the second
onemulal	calls for speculation		W <sup>*</sup> * 1
	[602, 701, 702]		
66:5–66:9	[ [002, 701, 702]		
	0011g for 1-2		
68:24–69:15	calls for hearsay, no		
munded	exception [801]		
ouncer	calls for speculation		* * <b>.7</b>
(0.40, (0.55	[602, 701, 702]		
69:18–69:22			
70:8–71:20	calls for hearsay, no		
ALLA. I	exception [801]		
Overrules			
72:3–72:19			
74:2-82:14 ournel	74:2-75:16, 77:21-		
14:2-79:15	82:14 calls for		
Surland 79:16-	hearsay, no		
82 L 1H.	exception [801]		
	cacching [001]		

	76.22.77.20		
	76:23-77:20		
	calls for speculation		
06.00.00.16	[602, 701, 702]		
86:22-89:16 premiled	calls for hearsay, no		
	exception [801]		* v
89:18–90:2	89:11-16, 89:18-		
overwed	90:2		
our meg-	lack of foundation		
	[104(a), 901, 902]		· · · · · · · · · · · · · · · · · · ·
	assumes facts not in		
	evidence,		
	ambiguous,		
	confusing [611(a)]		
	calls for speculation		
	[602, 701, 702]		
	calls for hearsay, no		
01.4 02.22	exception [801]		
91:4–92:23 93:11–94:7			•
	calla for an applation	•	
94:8–94:10	calls for speculation		
shamed	[602, 701, 702] assumes facts not in		
0 3-0000000	I I		
	evidence,		
	ambiguous,		
94:13–94:25	confusing [611(a)] calls for speculation		
74.13-74.23	[602, 701, 702]		
onement	assumes facts not in		
J 01002W	evidence,		
	ambiguous,		
	confusing [611(a)]		
95:1–95:4	confusing [011(a)]		
95:8–97:4	lack of foundation		
ocumulal	[104(a), 901, 902]		
98:11–98:15	[10.(0), 501, 502]		
98:19–101:5			
101:9–101:17			
101:20-101:22			3 •
103:17–103:22	lack of foundation		*
	[104(a), 901, 902]		
Thermed	assumes facts not in		
	evidence,		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	ambiguous,		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	confusing [611(a)]		
103:24-104:2			300 g - 100 cm

lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous,	112:25-113:2 promot 113:6-15 permot 114:21-25 parmot 115:4-18 permot	
confusing [611(a)]calls for hearsay, no exception [801]		s kesse en 10 °C
lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]		
	•	
lack of foundation [104(a), 901, 902]		
calls for hearsay, no		
exception [801] lack of foundation		the second section of
calls for hearsay, no exception [801]		
calls for hearsay, no exception [801]		
calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701]		
calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701]		en Maria de La Partido de la Companya de la Company
127:18-128:12 lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]		
	[104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]calls for hearsay, no exception [801] lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702] lack of foundation [104(a), 901, 902] calls for hearsay, no exception [801] lack of foundation calls for hearsay, no exception [801] calls for hearsay, no exception [801] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701] calls for speculation [701] assumes facts not in evidence, ambiguous,	ambiguous, confusing [611(a)]calls for hearsay, no exception [801] lack of foundation [104(a), 901, 902] calls for speculation [602, 701, 702]  lack of foundation [104(a), 901, 902]  calls for hearsay, no exception [801] lack of foundation calls for hearsay, no exception [801] calls for hearsay, no exception [801]  calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701] calls for speculation [602, 701, 702] calls for legal conclusion [701, 704], lay opinion [701] 127:18-128:12 lack of foundation [104(a), 901, 902] assumes facts not in evidence, ambiguous, confusing [611(a)]

	[602, 701, 702]		
	calls for hearsay, no		
	exception [801]		
128:18–129:5	lack of foundation		
120.10-129.3			
	[104(a), 901, 902]		
	assumes facts not in		
	evidence,		at the second
	ambiguous,		·
overwed	confusing [611(a)]		
0 V-0 V VOLON	calls for speculation		,
	[602, 701, 702]		
	calls for hearsay, no		
	exception [801]		was san New York
·	calls for legal		
	conclusion [701,		
	704], lay opinion		
	[701]		
129:7–129:17	lack of foundation		3.34
, ,	[104(a), 901, 902]		
sutained	assumes facts not in		, ,
4	evidence,		
	ambiguous,		
	confusing [611(a)]		in the second second
	calls for speculation		
	[602, 701, 702]	,	
	calls for hearsay, no		* * * * * * * * * * * * * * * * * * *
	exception [801]		
	calls for legal		
	conclusion [701,		
	2		
	704], lay opinion		
	[701]		
120.20 120.17	look of for 1-4:-	124.0.12	
129:20–130:17	lack of foundation	134:9-13 And 134:16-137:4 germit	
surained	[104(a), 901, 902]	134:10-13/:4 per mit	, • • · · . · · · · · ·
	calls for speculation		
	[602, 701, 702]		
	calls for hearsay, no		
120.20.100.21	exception [801		
130:20-130:24	1 1 00 1 1	1071610010	
138:20–138:23	lack of foundation	137:16-138:19 permit	
Tremiled	[104(a), 901, 902]		
139:1–139:12		145:11-13 Perm	
		145:15-22 permot	
burneld		146:9-149:4 pent	
		145:15-22 Almar 146:9-149:4 Perut 150:2-151:13 provid	

153:12–153:18	lack of foundation		
155.12-155.16	[104(a), 901, 902]		
	assumes facts not in		
'	evidence,		
· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		
sustained	ambiguous,		
	confusing [611(a)]		
	calls for speculation		
	[602, 701, 702]		
	calls for hearsay, no		
1540 1540	exception [801]		
154:2-154:8			
154:13–154:17	1 2 1	1.50.05.160.00.104.1	
155:17–156:13	calls for hearsay, no	158:25-160:23 pund	
ounds	exception [801]	164:1-5 pannt 164:10-165:6 pand 166:4-7 Pannt	
, J - J - J - J - J - J - J - J - J - J		164:10-165:6	
		166:4-7 W-WW.	
1550 15511		166:15-167:9 years	
177:8–177:11			
177:16–178:2			
179:6–179:25	calls for hearsay, no		
ournest.	exception [801]		
180:5–180:6			
185:9–186:4	lack of foundation		
-71	[104(a), 901, 902]		
overwed	assumes facts not in		
,	evidence,		
	ambiguous,	,	
	confusing [611(a)]		
186:12–186:14			
191:22–191:24	lack of foundation	195:15-196:9 pann 196:13-18 punt	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	[104(a), 901, 902]	196:13-18 Menut	
, ,	calls for speculation	[mann	
runled	[602, 701, 702]		
	calls for legal		•
1	conclusion [701,		1
	704], lay opinion		\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.
	[701]		
192:1–192:4	lack of foundation		
number	[104(a), 901, 902]		
Ivwww	calls for speculation		
	[602, 701, 702]		
192:8–192:11			
218:7–218:18	lack of foundation		
ouruld	[104(a), 901, 902]		
	$+$ [10 $\pm(a)$ , $0$ 01, $0$ 02]	I	

#### E. Deposition of John Mahoney (January 14, 2020)

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Zurich's Designation	Fluor's Objections	Fluor's Counter Designation	Zurich's Objections to Counter Designation	
6:5–6:16				
8:16-8:25				
9:2-9:25				
10:2-10:25				
11:2–11:4				
11:8–11:25	- W. C.			
12:2-12:25	11 .	,	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
13:2-13:25	d, «,,,			
14:2–14:8	,			
14:10–14:25				
15:2–15:25				
16:2–16:24				
17:23–17:25				
18:2				
19:8–19:12				
27:6–27:25				
55:12–55:25				
58:14-58:25		54:8-55:2 ferrit		
59:2-59:9		100000		
100:15-100:19				
136:6–136:25				
137:2–137:11	calls for speculation [602, 701, 702]	137:15-17 ferent 137:19-22 permy		
Sustainer	assumes facts not in evidence, ambiguous, confusing [611(a)]			
137:12–137:13		137:24-138:12 xim		

Deposition of Marc Halpern  January 8, 2020  USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter . Designation	Plaintiff's Objections to Counter Designation
	record, subject to Zurich MIL 3		
216:9-12 Sustain	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3	·	·
216:15-21 Sustain	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		
216:24-217:12 Surtan'	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		

### H. Deposition of Randolph Sinnott, January 10, 2020

Deposition of Randolph Sinnott January 10, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurieh's Counter Designation	Plaintiff's Objections' to Counter Designation	
5:9-13 5:16-17	1	5:14-5:15		
9:17-10:8 15:18-16:1	Man Market	15.15-17, 16:7-16:9		
18:23-19:1 19:3-10		8:9-18:22		
	Need to add 26:10-26:19 for completeness			
	Objection, subject to Zurich MIL 11			
30:17-20	IVIII II			
	Objection, subject to Zurich MIL 11			
31:1-25				
34:4-8				
35:8-12				
		38:19-39:1, 42:13-43:1, 44:3-44:10		

Саse: 4:16-cv-00429-ERW Doc. #. ото Filed: 07/12/21 Page: 12 от 44 PageID #: 45591 Case: 4:16-cv-00429-ERW Doc. #: 714 Filed: 07/25/21 Page: 56 of 103 PageID #: 49553

testimony. Halpern was deposed only as a Rule 30(b)(6) witness for non-party Doe Run; he was not deposed in his individual capacity. His testimony cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Halpern's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) in that he repeatedly denied he was not testifying as an individual based on his personal knowledge but rather was testifying regarding Doe Run's asserted collective corporate knowledge.

Halpern's testimony must also be excluded because both Fluor and Doe Run have steadfastly failed to reveal whether Doe Run has a financial stake in this case under their settlement agreement. Without that critical information, the jury has no basis on which to evaluate Mr. Halpern's bias. By withholding this information, Fluor makes Halpern's testimony inadmissible.

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich' (Desig	s Counter gnation	Plaintiff's Objections to Counter Designation
	Objection to attorney testimony at 7:22-8:2	10:3-10:24	Permit	
10:2-11	Oli-14-19-22-19-25 C	10.3-10.24	TELECT !	
70	Object to 18:23-18:25 for lack of foundation, speculation			
or 19:7-20:22 en	Objection, foundation			
	Objection, foundation			
	Objection, foundation			
S. G D	Objection, foundation, speculation about Doe Run's state of mind			
29:15-19	outo of mind			
31:9-31:21	·			
32:21-25				
P33 L 4- IY	Objection to 33:8-33:19 for lack of foundation, legal conclusion, speculation about Doe Run's state of mind			
000000000	Object to 34:25-35:7 as legal			
onemulal	conclusion, mischaracterizes the record and misstates the law			
		39:7-39:24 -	Permit	
Sustamen	lack of foundation, speculation about Doe Run's state of mind		Δ.	
41:13-19		40:18-41:12	Pu. M	VI
47:14-18		42:17-20, 43:1	19-46:23 per 1	1,
47:22-48:6		48:7-48:22	peront	

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
48:23-49:10		49:11-49:25, 50:4-50:16, (51:15-52:23	mint	
53:11-24		70:11-71:10, 71:13-74:3	tt.	
57:22-58:21		55:21-57:21, 58:22-59:13	11	
59:14-25				
60:7-11				
60:24-61:2				
61:8-62:5 Sustamel	Need to include 61:3-61:7 for completeness			
64:10-65:7		62:24-64:9		
65:11-23		65:24-67:17 pamit		
67:18-68:9		65:24-67:17 per mit		
74:25-75:9				
75:12-17				
75:23-25				
84:18-87:2				
87:23-88:6				
89:11-91:22				
93:7-17				
93:22-94:7		94:8-95:6 PAMMIT		
95:7-9				
95:12-20		96:5-96:7, 96:10-96:13 pm	m: F	
96:14-19		(),/o\	7417	
96:22-24	Objection, vague,			
ouvuler	foundation, calls for speculation			
97:24-100:24			1-	
101:4-102:6	Objection to question at	103:19-105:13	Per mit	
P102 L 10- 12	102:10-12 as calling for			
Buslavied -14	speculation and testimony at 102:13-14 for lack of			
oriented tous	foundation regarding			
102:10-21	speculation and testimony at 102:13-14 for lack of foundation regarding "Zurich senior management"	red		
103:7-11	Objection, foundation, calls			
orument	for speculation			
Je 105:20-24(	Objection, foundation			
106:8-10 overweld	Objection, calls for speculation, foundation			
106:13-25	Objection, speculation, foundation			
107:4-17 openfuled	Objection, speculation, foundation			
107:19-108:7	TOURUALION			

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
108:20-109:5				
109:8-111:14				
111:20-112:6				
114:6-18		114:19-117:17 germ		
117:19-118:11		V		
119:22-120:7				
122:18-123:6			WAS A STATE OF THE	
126:12-127:2				
127:23-128:9				
128:15-17				
128:19-20		· · · · · · · · · · · · · · · · · · ·		
128:25-129:6 Sintoined	Objection to question at 129:4-6 as leading, mischaracterizes witness's testimony; Objection to testimony at 129:14-129:20 for lack of foundation			
129:9-130:5	for tack of foundation			
130:8-10				
130:12-17				
130:20-132:11				
132:16-133:22	Objection to 133:17-133:22	133.23 133.25 134.2 00		
daerruled	as speculation, foundation, legal conclusion	133:23-133:25, 134:2, per 134:5-134:13		
136:12-13 overweld	Objection, calls for legal conclusion			
136:16-20 les	Objection, legal conclusion	,		
136:23-127:811	Objection, legal conclusion			
137:19-20	Objection, foundation	·		
137:24-138:16	Objection, foundation			
139:8-25 p1391.8-21 overwhere	Objection to question at 139:22-25 as calling for speculation, calling for legal			
P1396 12.75 Surlained	conclusion, misstating the record, and mischaracterizing the law			
140:6-12	Objection, speculation, legal			
Surtainel	conclusion, misstates the record, and mischaracterizes the law			
140:20-141:3	Objection, speculation, legal			
Eustamel	conclusion, misstates the record, and mischaracterizes the law			
142:22-143:10	Objection, foundation,			

		Deposition of January	: (CONSTRUCTOR CONTROL OF CONTROL CONT				
	USDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
	Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation			
	ourrulud	hearsay; further objection to question at 143:8-143:10 as argumentative, mischaracterizing the record and assuming facts not in evidence					
	143:13-25	Objection, speculation, legal conclusion, misstates the record and mischaracterizes the law					
	145:24-147:9	LITO 14 VY		770			
7/43/ 6 - 0149/3	148:6-149:7 Pry y L 6-7 overrand L 9- sur Duened L-16-11 orunulad	Objection, speculation, legal conclusion, misstates the record and mischaracterizes the law					
014913 sentand	149:14-150:2 Townled	Objection, foundation, speculation, legal conclusion, misstates the record and mischaracterizes					
	150:14-16, reclained 150:19-20	the law Objection, foundation, hearsay, speculation					
	151:25-152:10						
	153:8	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial					
P155L14. P154L7 Burnled	P1536 11-170mm P1536 11-170mm P1536 11-170mm Surland	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial					
	154:10-19 Sustained	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudicial					
	155:13-14 ourruld	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudical	,				
	P155217-156:9 L12-P15619 Sulamer	Objection, foundation, speculation about Doe Run's state of mind, irrelevant, unfairly prejudical					
	156:15-19						
	1156:24-158:15 1156 L AH-1571 8- ouernew 1571-9.	Objection to 157:9-20 and 158:4-158:15 as speculation about Zurich's motives;					
'	10 - Sudamed.						

20 - Sustamed. P157 + 21 P158 L. 9 overrulul P158 + 10-15 Autained

	20	Deposition of January	Marc Halpern 77, 2020	
	USDC	; Eastern District of Mis		v-00429
	Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	See prin Page	Additional objection to 158:7-158:15 for lack of foundation and speculation about Doe Run's state of mind		Designation
	158:22-160:13 15612-15 onud 1641, 2-8 sustain 163:19-24	Zurich's motives		
		Objection foundation		
	164:14-165:2 165:6-18 PILS L 6-13 omnub			
	614-18 sustaines			
	165:22-166:3	Objection, foundation, speculation about Doe Run's state of mind		
	166:18-20 Suita:	Objection, foundation, calls for speculation about Doe Run's state of mind		
	166:23-168:6 Gustaned	Objection foundation, speculation about Doe Run's state of mind, irrelevant,		
	Nagagara,	unfairly prejudicial		
	168:11-169:2			
	169:9-170:16			
	172:9-19			
	172:24-173:11			
•	173:13-174:14	Objection to 173:13-173:24		
	overhild	for lack of foundation, speculation about Doe Run's state of mind	·	
	174:19-176:9	Objection to 175:19-176:9		
	P174 L19- P176	for lack of foundation,		
	4- 4- 9 sur and	speculation about Doe Run's		
	176:12-177:5	state of mind Objection to 176:12-177:5	7.4	
	Sustained	for lack of foundation, speculation about Doe Run's state of mind		
?	177:8-178:7 1777 Lb - 19 Occurred. 20 - 178 L3 Sintanus	Objection, lack of foundation, speculation about Doe Run's state of mind, unfairly prejudicial, inflammatory		
	178:10-179:21 P178 L10-19172 L15 ormed L16-21 pustained	Objection to 179:5-179:21 for lack of foundation, speculation about Doe Run's state of mind		

USDC	Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation			
180:14-16 Sustained	Objection, leading, foundation, speculation about Zurich's motives					
180:21-181:14 Suntamen	Objection, foundation, speculation about Doe Run's state of mind; Further objection to 181:11-14 as leading					
181:18-19 Sustamed	Objection, foundation, speculation about Doe Run's state of mind, speculation about Zurich's motives					
182:8-183:17 Sisterned	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law					
183:19 Sustand	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the					
183:22-184:10 surtained	law Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the					
184:13-20 Sustained	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law					
184:23-25 surtained	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law					
Seuland	Objection, foundation, speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law					
185:18-19	Objection, foundation,					

USDC		Marc Halpern y 7, 2020 ssouri, Case No. 4:16-c	v-00429
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
Sustaniel	speculation about Doe Run's state of mind, legal conclusion, mischaracterizes the record and misstates the law		
186:19-187:4		185:20-23, 186:5-186:18, 222:24-222:25, 223:2-22:3, 223:7-223:17	Permit
0 mill	Objection, foundation; Further objection to 187:5- 187:14 as speculation about Doe Run's state of mind; Further objection to 187:15- 187:20 as speculation	212:18-212:25, 213:2- ; 1 213:19, 213:21-213:25, 4 214:2-214:6	
214:13-24 menuka	speculation about Doe Run's state of mind	214:25-215:3, 215:5-215:11, 215:13-215:25, 216:3- 216:10, 216:13-216:25, 217:2-217:8	Permit

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#### G. Deposition of Marc Halpern, January 8, 2020

Zurich objects to all of Fluor's designations of Marc Halpern's Rule 30(b)(6) deposition testimony. Halpern was deposed only as a Rule 30(b)(6) witness for non-party Doe Run; he was not deposed in his individual capacity. His testimony cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Halpern's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B) in that he repeatedly denied he was not testifying as an individual based on his personal knowledge but rather was testifying regarding Doe Run's asserted collective corporate knowledge.

Halpern's testimony must also be excluded because both Fluor and Doe Run have steadfastly failed to reveal whether Doe Run has a financial stake in this case under their settlement agreement. Without that critical information, the jury has no basis on which to evaluate Mr. Halpern's bias. By withholding this information, Fluor makes Halpern's testimony inadmissible.

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff <sup>5</sup> s Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation		
118:9-11		120.13 RUM	- 1000 - 1000 - 1000 - <b>0</b> 1000 - 100		
118:13-19					
162:16-22					
167:18-20					
167:22-25					
on 198:6-22ml	Objection, irrelevant				
199:4-24 overwellel	Objection, legal opinions, irrelevant				
200:3-18 overreld	Objection, legal opinions, irrelevant				
200:21-22 overweek	Objection, legal opinions, irrelevant				
202:15-16					
\$13:40204 ti	Objection, foundation, argumentative, speculation				
204:4-19	Objection, foundation,				
204:4-19 Austain  Distain  205:1-10  206:0.207:11	argumentative, speculation about Doe Run's state of mind				
Dotstan	Objection, foundation, speculation, hearsay				
305:1-10 Justan	Objection, foundation, speculation, hearsay				
200.9-207.11,	Objection, foundation,				
Sudan	argumentative, speculation about Zurich's motives				
207:14-208:11 3 n taun	Objection, foundation, argumentative, speculation				

ÜSDO	Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation			
	about Zurich's motives					
208:17-209:19 Suctain	Objection, foundation, speculation about mediator's belief and Doe Run's state of mind					
209:25-710:6	Objection, foundation, speculation					
210:18-211:8,	Objection, vague, foundation, speculation					
Buldin	Objection, vague, foundation, speculation					
3 tilluin	Objection, vague, foundation, speculation					
213:13-16	Objection, foundation, hearsay, speculation,					
213:22-24	counsel testimony, misstates the record, subject to Zurich MIL 3					
	Objection, foundation,	,				
scurtain	hearsay, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3		·			
214:2-17 Sustan	Objection, foundation, speculation, vague, subject to Zurich MIL 3					
214:20-24 Surtai	Objection, foundation, speculation, vague, counsel					
surtai	testimony, misstates the record, subject to Zurich MIL 3					
215:3-6	Objection, foundation, speculation, counsel	·				
Sulain	testimony, misstates the record, subject to Zurich MIL 3					
215:9	Objection, foundation, speculation, counsel					
Surlezi	testimony, misstates the record, subject to Zurich MIL 3					
215:11-13	Objection, foundation, speculation, counsel					
Sustan'	testimony, misstates the record, subject to Zurich MIL 3	.*				
215:16-216:6 Suran	Objection, foundation, speculation, counsel					
zwaw	testimony, misstates the					

Deposition of Marc Halpern January 8, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation			
	record, subject to Zurich MIL 3	The state of the s				
216:9-12 Sudain	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3					
216:15-21 Sustain	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3					
216:24-217:12 Surtain	Objection, foundation, speculation, counsel testimony, misstates the record, subject to Zurich MIL 3					

### H. Deposition of Randolph Sinnott, January 10, 2020

USD		Januar	Randolph Sinnott y 10, 2020 issouri, Case No. 4/16-0	cv-00429
Plaintiff's Designation	Zuricl	l's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
5:9-13			5:14-5:15	
5:16-17				
9:17-10:8				
15:18-16:1			15:15-17, 16:7-16:9	
18:23-19:1			18:9-18:22	
19:3-10				
26:20-25	Need to a	ld 26:10-26:19 for		
27:1-5				
28:16-29:8	Objection, MIL 11	, subject to Zurich		
30:17-20				
30:24-32:11	Objection, MIL 11	subject to Zurich		
31:1-25				
34:4-8				
35:8-12				
37:15-38:2	Objection, speculation	foundation,	38:19-39:1, 42:13-43:1, 44:3-44:10	
	• •	V 2	21	

### 5. Matthew Porten

### F. Deposition of Matthew Porten (June 11, 2019)

Deposition of Matthew Porten  June 11, 2019  USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
- 100 Per 100		Fluor's Counter	Zurich's Objections to		
Zurich's Designation	Fluor's Objections	Designation	Counter Designation		
8:2–8:8					
10:11–10:25					
11:2–11:5					
14:14–14:18			,		
15:5–15:25					
16:2–16:8					
16:20–16:25					
17:5–17:8					
33:18–33:21	1,1,2				
33:24–33:25					
34:2		34:10-12 Permit			
35:19–35:25		36:14-16			
00129 00.20		36:19-22			
114:6–114:18	relevance [401, 402]	113:2-5 parmit			
overmel	assumes facts not in evidence,	113:9-13 <sup>11</sup> 115:5-7 <sup>1</sup> 1			
	ambiguous,	115:9-10 "			
	confusing [611(a)]	115:12			
		115:15-16			
		116-8:117:12 <sup>\(\frac{1}{2}\)</sup>			
127:7–127:15					
127:20-127:25					
128:2–128:25					
129:2					
129:11–129:25					
130:2–130:25					
131:2–131:3			.1		
131:5–131:12					
131:14-131:25					
132:2-132:10					
132:12–132:16					
132:18–132:19					
136:22-136:25					
137:2–137:7					
137:18–137:22					
138:8–138:16					
143:23–143:25					

Deposition of Matthew Porten  June 11, 2019							
USDC, Ea	USDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
	,	Fluor's Counter	1				
Zurich's Designation	Fluor's Objections	Designation	Counter Designation				
144:2–144:15							
144:17–144:21							
144:23-144:25							
145:2							
146:4–146:14	•						
200:23-200:25		194:16-196:24	sumt				
201:2-201:4							
202:17–202:25			1				
203:2–203:4							
217:4–217:9		217:10-25 P	enno				
		218:3-8	fernt				
235:8–235:16		210.5 0	1 Access				
243:22–243:25		,					
244:2-244:15							
247:20–247:25							
	lack of foundation						
248:2–248:20							
overwhen	[104(a), 901, 902]						
Star Was >	#010770# 00   401						
	relevance [401, 402]						
248:23–248:25	402]						
	lack of foundation						
249:2–249:25							
0	[104(a), 901, 902]						
Overrulel	1 1401						
	relevance [401,						
	402]						
250:2–250:3							
267:2–267:15							
280:7–280:10							
280:13–280:25							
281:2–281:3							
281:5							
282:10-282:12							
286:14							
286:17–286:21							
286:24-286:25							
288:16-288:17							
288:20-288:23							
289:14–289:17							
289:19–289:25							

Deposition of Matthew Porten  June 11, 2019							
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429							
		Fluor's Counter	Zurich's Objections to				
Zurich's Designation	Fluor's Objections	Designation	Counter Designation				
290:5-290:6							

## G. Deposition of John Quinn (June 21, 2019)

Deposition of John Quinn June 21, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429							
Fluor's Counter Zurich's Objections to							
Zurich's Designation	Fluor's Objections	Designation	Counter Designation				
7:3–7:5	\		·				
7:20–7:21		/					
8:24-9:21			T				
25:13–26:6		26:15-19, 26:21-22	Person				
29:4-29:9							
29:14-29:15							
29:17–29:24		/					
30:10-30:19	V						
30:21-31:1							
31:3–31:25	assumes facts not in evidence, ambiguous, confusing [611(a)]						
	calls for speculation [602, 701, 702]						
32:2–32:5							
32:13-32:16	. /						
32:19–32:20							
33:15–34:16	/						
34:18–35:20		\					
35:24–36:21							
36:23–37:3							
38:19–38:23		\					
38:25–39:4							
45:4-45:7		\					
45:10–46:8		\					
46:10–46:1/1							
46:14-46:24							
47:2-47:10							

#### UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

FLUOR CORPORATION,

Plaintiff,

VS.

ZURICH AMERICAN INSURANCE COMPANY,

Defendant.

Case No. 4:16-CV-00429 ERW

AND RELATED COUNTERCLAIMS AND CROSS-CLAIMS

#### ZURICH'S OBJECTIONS AND COUNTER-DESIGNATIONS TO FLUOR'S DEPOSITION DESIGNATIONS AND DISCOVERY DESIGNATIONS

In accordance with this Court's Fourth Amended Case Management Order, dated February 22, 2019 (<u>Dkt. 201</u>), as amended in part by the Court's Orders, dated December 10, 2020 (<u>Dkt. 495</u>) and April 26, 2021 (<u>Dkt. 515</u>), Zurich American Insurance Company ("Zurich") submits the following objections and counter-designations in response to the deposition testimony and discovery responses responses designated by Fluor Corporation.

#### I. DEPOSITION TESTIMONY DESIGNATIONS

#### A. Deposition Testimony of Matthew Porten, June 11, 2019

Deposition of Matthew Porten						
June 11, 2019						
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
Plaintiff's		Zurich's Counter	Plaintiff's Objections			
	Zurich's Objections	ctions Designation	to Counter			
Designation			Designation			
9:13-19						
10:21-11:5		10:11-10:20, 14:14-14:18,	- AAAAAAAAAAA			
		235:8-235:16 perMit				
15:2-17		15:18-16:4				
16:5-8						
16:20-25		17:5-17:8 person				

	Deposition of Matthew Porten June 11, 2019					
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation			
17:14-17						
18:12-14						
18:18-20						
18:25-19:11						
27:6-9	Objection, foundation Open	Wiled				
27:12-14	Objection, foundation	crube				
53:5-12						
65:3-15						
66:10-12	·					
66:15-21						
72:15-24						
83:20-84:6	Objection to 84:2-84:4 as speculation, lacking foundation	Tun				
84:9						
84:11-20						
85:14-17		,				
86:4-15						
87:3-24						
88:6-8						
88:10-11						
92:20						
92:23-93:10						
93:18-94:2						
94:7-9						
94:24-95:7						
105:14-19						
112:18-20		114:6-18 pum, +				
112:22						
112:24-25						
126:10-13	Objection, speculation, legal opinion	an				
126:15-16	Objection, speculation, legal opinion					
126:18-127:3	Objection, speculation, legal opinion, argumentative 5	ulain				
127:7-15						
127:20-128:21		128:22-129:2 Perm				
129:11-20		129:21-131:3, 131:5-131:12, 131:14-132:4	punit			
132:5-7						
132:15-16						

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation		
132:18-19	,	,			
132:21-24					
133:16-22	Objection, completeness, include 133:22-133:24	emel			
133:25-134:4					
134:14-21					
135:17-136:12	Objection to 135:17-136:9 as lacking foundation	muled			
136:18-19					
137:1-138:16					
139-6-13					
139:20-24					
144:4-15					
144:17-18	·	144:20-144:21, 144:23- few 145:2, 146:4-146:14 pew	1		
149:9-17		₹			
155:17-22					
162:11-19			٠		
165:24-166-2					
171:11-19	Objection, vague, legal opinion	ulch			
178:15-20					
183:2-16					
186:24-25					
187:3-5					
187:7-11					
190:9-13					
192:21-25					
194:6-22					
199:3-4					
199:8-13					
200:23-24	Objection completeness, include 200:25-201:4	March			
207:14-17	Objection, foundation UK				
208:2-18	Objection, foundation UR				
209:14-210:13					
210:21-211:2					
211:4-7					
214:16-20					
215:6-10		217:4-217:9 frant			
229:19-230:3		1			
240:12-21					

USDC	Deposition of Matthew Porten  June 11, 2019  USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
241:13-242:16 Ouerwich	Objection, foundation, speculation			
242:20-243:6 <i>Ourumlu</i> 243:8-9	Objection, foundation, speculation, legal opinion			
243:8-9 <i>Ournul</i> 244:12-15	Objection, foundation, speculation, legal opinion			
247:21-248:7		247:20, 248:8-248:20, ferr 248:23-249:13 permit	M	
249:14-250:3				
	Objection, speculation			
255:12-15 Ohn Mh	Objection, speculation			
255:17-19 Dunu	Objection, speculation			
255:25-256:3«W	Mabjection, speculation			
256:5-119w/m	Sbjection, legal opinion			
258:25-260:4 Sustained	Objection to 259:20-260:4 as speculation			
260:60 mm	Objection, speculation			
262:8-10				
262:14	,,)			
262:16-17em	Objection, foundation			
	Objection, foundation			
262:25-263-2				
265:25-266:7				
267:2-7				
267:12-268:2				
268:4-5	9			
268:10-17	+ Just			
271:3-272:13	Objection, foundation			
273:3-11	w.		•	
273:13-274:50 <sup>We</sup>	Objection, foundation			
274:7-8 Non	Objection, foundation			
280:7-10	Cojoulon, Toundation			
280:15-25				
281:2-3				
281:5				
281:8-282:12		1		
286:14		The state of the s		
286:17-18		T. SOLV	- still	
286:20-21		NOME	Jan 1990	
286:20-21	// // // // // // // // // // // // //	288.16-288:17, 288:20-	1	
200:24-23	fenn pund	288:23, 289:14-289:17,	July T	
			1	

Deposition of Matthew Porten June 11, 2019 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
288:25-289:6 Duymun	Objection, misleading, counsel testimony		
289:8 Va A 4 4 0 l m	Objection, misleading, counsel testimony		
289:10-13 ouunlu	Objection, misleading, counsel testimony, argumentative		
293:21-294:9	Objection, foundation	293:14-293:16, 293:18- أبعر 293:19, 294:2-294:9 مبعر	mt

6. Vincent Biancamano

	D!4!	) 1 D				
Deposition of Paul Bruno						
August 1-2, 2019						
NSDC, Eastern District of Missouri, Case No. 4:16-cv-00429						
		Fluor's Counter	Zurich's Objections to			
Zurich's Designation	Fluor's Objections	Designation	Counter Designation			
	speculation [602,					
	701, 702]					
358:5–358:13	best evidence not	4				
	offered [1001,					
	1002],					
	relevance  401,					
	402],					
,	calls for speculation					
	[602, 701, 702]					
358:17–358:25	[502, 702, 102]					
359:14–360:20	best evidence not					
333.14-300.20	offered   1001,					
	1002 , relevance					
	[401, 402], calls for					
	speculation [602,					
	701, 702],					
	calls for hearsay, no					
	exception [801]					
382:4–382:25	lack of foundation					
	[194(a), 901, 902],					
	relevance [401,					
	402], calls for					
	speculation [602,					
	701, 702]		,			
383:3–383:12	lack of foundation					
	[104(a), 901, 902],	1				
	relevance  401,					
	402], calls for					
	speculation   602,	, `				
	701, 702]	,				
	1019 102	<del></del>	1			

#### B. Deposition of Vincent Biancamano (January 15, 2020)

Deposition of Vincent Biancamano January 15, 2020				
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
		Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
4:1-4:25				
5:25-7:15				

Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
OSPC			Zurich's Objections to	
Zurich's Designation	Fluor's Objections		Counter Designation	
8:24–10:5	The first of the second of the	Bi Aleka Malen Karanga, Telebia 🗨 kaj kaj ritari karan aleka kultura 1942.	The State of the S	
10:9–10:20				
12:2-12:10				
15:8–18:18				
19:4–20:12				
24:18–26:2				
32:16–32:25		33:2-9 Parm		
52:2–52:16	relevance [401, 402	33:2-9 Permit 53:16-21 permit		
Limeno	calls for hearsay, no exception [801]			
64:8-65:13				
66:5-69:10 + 46 L 5 - 672 overhel, port 3 - 1 2 Susta.	To 68:18-69:10: relevance [401, 402]			
69:21-70:25	calls for hearsay, no exception [801]			
193:22–194:11	best evidence not	193:2-4 P. Sanit		
ournles	offered [1001, 1002]	193:2-4 Permit		
	calls for hearsay, no exception [801]			
	relevance [401, 402]		1	
195:19–197:6	assumes facts not in evidence,	198:12-13; 198:18- Pe 199:2; 199:5-8; Pen 199:11; 199:21-24	m.	
onemules	ambiguous, confusing [611(a)]	2/2 22 2	This -	
	calls for speculation [602, 701, 702]	number do Aslem Conseit		
	calls for hearsay, no exception [801]			

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Deposition of Vincent Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
		Fluor's Counter	Zurich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
	relevance [401,		
	402]		

#### C. Deposition of Marc Halpern (January 7, 2020)

Deposition of Marc Halpern January 7, 2020 USDC, Eastern District of Missouri, Case No. 4:16-ev-00429			
		Fluor's Counter	Zürich's Objections to
Zurich's Designation	Fluor's Objections	Designation	Counter Designation
5:1–5:25 6:5–6:15	т		
0:5-0:15 Office	Improper designation, move to strike		
9:19–9:25			The state of the s
10:2-10:24			The state of the s
14:20-14:25			16, 1 th 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
15:2-15:25 Tustained	strike 15:14-21 as non-responsive		
16:2–16:25			
17:2–17:5			
18:4–18:22			
26:13–26:20			
33:20-33:25			
34:2-34:6			
37:23–37:25			
38:2–38:16			
38:24–38:25			
39:2–39:24			
42:17–42:20			
43:19–43:25	43:19-46:23 calls		
Gustaineil	for hearsay, no exception [801]	,	
	Lacks foundation		
44:2–44:25			
45:2-45:25			
46:2–46:23	***************************************		
47:20-47:25			
48:7–48:22	·		

	Deposition of Andrew Rothschild			
		14, 2020	<b>*</b>	
USD	C, Eastern District of Mi	ssouri, Case No. 4/16-c	v-00429	
Plaintiff's		Zurich's Counter	Plaintiff's Objections	
Designation	Zurich's Objections		to Counter	
Designation		Designation	Designation	
		250:20		
251:13-21		2.51.22-252:6		
252:22-253:4	Objection, foundation,			
	speculation			
253:20-254:11		254:12-254:25		
255:1-11		255:12-256:2		
256:9-18				
257:17-259:7		262:12-262:18		
259:25-260:5				
260:19-22				

### K. Deposition of Vincent Biancamano, January 15, 2020

Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
8:24-9:2		5:25, 6:2-6:25, 7:2-7:15, 9:3-10:5, 12:2-12:10	ut .
10:9-14		10:15-10:20	
13:21-14:8			
15:8-17:10		17:11-18:14 pm	nt
18:15-18		19:4-19:13 WY	
19:14-19		()	
20:3-21:4	Objection to 20:13-21:4 for		-
overrelet	lack of foundation, speculation		
21:11-12			
21:17-22			
22:3-20			
24:18-26:7		32:16-32:25, 33:2-33:4 De	mit
27:3-5			
29:2-13			
37:4-14		· · · · · · · · · · · · · · · · · · ·	\
38:2-17			
38:22-39:24	Objection, foundation		` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `
41:9-24	Dbjection, foundation		
42:3-13			
42:16-23	Objection, foundation		

## Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429

Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
42:25-45:10	Objection, foundation		
A2122061	Objection, foundation		
45:22-46:2	Objection, foundation		
46:4-10,44	Objection, foundation		
46:12-22 47:7-10	Objection, foundation		
48:7-17			
50:6-9		52:2-52:16 RM	
50:14-51:25			
53:5-15			
55:15-20			
55:24-56:9		56:10-56:13 h (a)	
56:25-57:8		56:10-56:13 per	
58:3-7			
58:11-19			
59:19-61:6		61:7-61:12	
63:14-16		01:7-01:12 AWW	
64:8-65:17			
66:5-68:17		68·21-68·25 69·2-69·10 (A)	Anant
	·	68:21-68:25, 69:2-69:10, 1 193:22-193:25, 1 194:2-194:11	
69:21-70:9		"	
70:14-71:20	Objection, foundation		
72:6-8 mm	Objection, foundation		
73:10-19 ded	Objection, foundation		
75:8-25			
77:4-11			
81:14-83:2 Sule in Dy a	Objection, subject to Zurich MIL 11		
83:10-84:12 ·	Objection, subject to Zurich		
84:15-19 Juin	Objection, subject to Zurich		
85:12-86:12	Objection, subject to Zurich MIL 11		
87:23-88:9			
89:19-23	Objection, subject to Zurich MIL 11		
90:3-91:2	Objection, subject to Zurich MIL 11		
93:6-7			
93:15-94:17	,	94:18-94:25	
95:2-96:6	Objection to 96:4-6 as		

## Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429 Plainti

USDC,	Eastern District of Miss	souri, Case No. 4:16-cv	
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	speculation, lack of foundation		
96:16-24			
97:8-98:16			
99:7-100:8			
103:4-104:6			
105:19-106:8			
	Objection to 107:22-23 as		
107:8-23 Linkamed	calls for speculation		
108:2-109:17	Objection, speculation		
109:20-110:6			
111:8-10			
111:15-112:2		,	1.A
117:3-7		115:23-115:25, 116:2- per 116:21 prof	-
117:21-118:10		110,21	
118:24-119:25			
120:3-9	Objection to 120:8-120:9 for		
overweed	lack of foundation		
120:15-17el	Objection, foundation		
120:20-24	Objection, foundation		
121:2-122:2	Objection, foundation,		1
Menuld	speculation		
123:2-15 onervill	Objection, foundation, speculation		
123:20-124:2	Objection, foundation,		
ounder	speculation		
productive of	Objection, foundation	105.05.106.0.106.10. 0.44	
124:20-125:24 curulel	Objection, foundation, speculation	125:25, 126:2-126:12	<b>1</b> ~.
126:13-127:2	speculation	127:3-4, 127:8-11 Jum	1
127:18-20		22710 13 22710 11 10 07 07 1	
128:2-3			
128:12-129:9		129:10-129:12	7
130:12-131:10		125.10 125.12	
133:14-18	Objection, speculation,		
sularnel	hypothetical, asks for legal conclusion		
133:20-23	Objection, speculation,		,
Austarnel	hypothetical, asks for legal conclusion		
134:2-6	Objection to 134:2 as		
merculik	speculation, hypothetical, legal conclusion		
134:22-24			

# Deposition of Vincent J. Biancamano January 15, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429 S Zurich's Objections Zurich's Counter Designation To

Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
135:4-136:11			2
137:22-24		,	The second secon
138:4-139:10	Objection, foundation,		
Suslamed	speculation		
139:13-22 Surland	Objection, foundation,		
	speculation		
139:25 rustained	Objection, foundation, speculation		
140:12-14	speculation		<u> </u>
140:18-142:3		195:19-195:25, 196:2- Per	<b>√</b>
170.10-172.3		196:25, 197:2-197:6	est
143:14-144:20		The state of the s	
144:23-145:3			
145:11-12			
145:25-148:10			
152:13-153:05	Objection 153:14-153:15 as		
This miles	calling for speculation		
153:17-154;9	Objection to 153:17-18 as		
overules	speculation, foundation		
154:11-17	Objection to 154:15-17 as calling for speculation		
154:19-155:18	Objection to 154:19-154:24		
mula	as speculation; Objection to		
	155:16-18 as calling for		
	speculation, lacking		
155.00 156.2	foundation ·		
155:20-156:3	Objection to 155:20-155:24 as speculation, lack of		
frank	foundation		
0157i19-22 11	Objection, foundation		
158:11-159:11	Objection, foundation		
Col60:5-15ed	Objection, foundation		
6161:21-162:66	Objection, foundation		
165:12-23			
173:12-25		174:2-174:4, 174:8-174:15	selvet
174:16-25		175:2-175:7	T T
175:8-13		1	
178:10-12			
178:16-18			
178:21-24			
179:5-180:23			
181:13-182:9		182:10-182:17	
182:18-183:9	Objection to 183:13-15 as		
sustained	vague, calling for		
pusiana	speculation	33	

USDC.	Deposition of Vince January Eastern District of Mis	15, 2020	v-00429
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
183:12-22	Objection, speculation		
0841071311 184:15	Objection, speculation		
185:24-186:6	Objection, foundation, speculation		
186:8-11 ournel	Objection, foundation, speculation		
186:13-14 vuerrulul	Objection, foundation, speculation; Need to add 186:15-186:23 for completeness		
186:24-187:3		187:4-187:6	
192:19-23 Justanel	Irrelevant, unfairly prejudicial	,	
200:4-16	Objection, foundation		
200:18-201:8 rumlul	Objection to 201:5-201:8 as speculation, lacking foundation		- /
0202:3-17 0111111	Objection, speculation, foundation		

#### 7. Andrew Rothschild

USD	Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counte Designation	Plaintiff's Objections to Counter Designation			
	counsel testimony					
124:16-125:2	Objection, foundation, counsel testimony					
125:12-126:5	Objection, foundation, counsel testimony					
126:8	Objection, foundation, counsel testimon					
126:16-19	Objection, foundation, counsel 1 stimony					
136:6-137:7		137:8-137:11, 137:13				
139:18-140:2	Objection, foundation, counsel testimony					
140:6	Objection, foundation, counsel testimony					
140:26-141:5	Objection, foundation, counsel testimony					

#### J. Deposition of Andrew Rothschild, January 14, 2020

Zurich objects to all of Fluor's designations of Andrew Rothschild's Rule 30(b)(6) deposition testimony. Rothschild was deposed as a Rule 30(b)(6) witness for non-party Doe Run; his testimony as designee cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Much of Rothschild's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B), that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Rothschild testified as Doe Run's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation		
18:11-19:10		17:7-18:3, 20:10-21:18, 22:17-22:23			
23:10-15					
23:21-23		23:24-24:20, 26:18-21	·		
26:22-27:16		27:23-28:24, 29:1-29:5			
29:6-7					
29:13-21		29:22-30:5			
31:12-15		31:18-33:1, 33:14-35:14, 35:17-35:23, 36:24-37:23			

#### **Deposition of Andrew Rothschild** January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429 Plaintiff's Objections Plaintiff's Zurich's Counter to Counter Zurich's Objections Designation Designation Designation all permitted 43:12-46:5, 46:12-47:4, 47:16-21 47:15 48:13-48:18 47:24-48:12 48:24-50:6, 50:8-52:22 48:19-23 71:12-23 71:24-86:19 86:22-24 87:2-5 87:6-91:8 91:9-18 92:3-94:2 91:21-25 94:18-95:16 94:9-17 96:5-97:11 95:17-20 99:3-99:9, 99:11-100:5, 97:12-98:21 100:20-103:1, 103:3-103:25 104:19-106:6, 106:11-104:1-18 106:17 106:24-108:5, 108:22-106:18-23 108:23 109:10-19 109:25-111:24 109:22-24 112:13-113:6, 113:9-114:2 112:5-12 115:1-115:6 114:12-25 115:10-115:25 115:7-9 116:22-117:14 116:12-21 117:16-22 117:25-118:19 Overruled Objection, subject to Zurich MIL 3 124:25-125:4, 126:2-129:1 129:2-4 129:14-131:4 129:7-13 132:15-133:19 131:15-132:14 133:20-22 133:25-134:3 134:6-12 135:4-135:14 134:23-135:3 135:21-136:9 135:15-20 136:14-136:17 136:10-13 139:11-139:25 136:24-138:9 140:14-24 141:2-4 141:14-141:24 141:7-13

141:25-142:16

142:17-143:7, 143:11-144:4,

144:8-145:9, 145:14-145:16, 145:18-146:18, 146:23,

#### **Deposition of Andrew Rothschild** January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429 Plaintiff's Objections Plaintiff's Zurich's Counter to Counter Zurich's Objections Designation Designation Designation 147:1-147:4, 147:8-147:13, 147:17-149:8, 149:14-149:19, 149:23-150:11. 150:22-155:7, 155:10-155:13, 155:23-158:10, 160:16-161:2 201:14-201:19 200:19-24 201:20-202:9 les Objection, foundation 202:24-204:18 Guerrie Objection to 202:24-203:15 204:19-206:17 as lacking foundation Objection to 208:23-209:4 209:20-210:2 208:23-209:19 overmed as lacking foundation 210:13-210:14, 210:18-210:3-12 210:22, 211:11-211:15, 212:7-212:23, 213:25-214:19 220:18-221:12 219:5-11 222:9-222:19 221:13-25 222:20-223:3 226:18-226:23 224:1-225:7 Objection, foundation, 229:1-6 speculation about Doe Run's overuled state of mind 229:11-230:23 Objection, foundation, speculation about Doe Run's overrelid state of mind 232:8-14 234:14-236:5 Objection, foundation, speculation about Doe Run's Sustained state of mind 236:23-237:13 239:5-12 Objection, foundation, overuld speculation 239:17-240:7 Objection, foundation, speculation 242:1-242:5, 242:10-242:14, 240:10-241:17 243:15-244:18 246:15-21 Sustance Objection, foundation, speculation about Doe Run's state of mind

249:16-249:25, 250:11-

Objection, foundation, speculation about Doe Run's

Objection, foundation, speculation about Doe Run's

state of mind

state of mind

247:11-248:12

248:15-16

250:21-251:2

Sustained

buenneled

Deposition of Andrew Rothschild January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429					
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation		
		250:20 Allen			
251:13-21		251:22-252:6 Pm			
252:22-253:40 suerrulu	Objection, foundation, speculation	All			
253:20-254:11		254:12-254:25			
255:1-11		255:12-256:2			
256:9-18					
257:17-259:7		262:12-262:18			
259:25-260:5					
260:19-22					

#### K. Deposition of Vincent Biancamano, January 15, 2020

	D	and T. Diameters					
Deposition of Vincent J. Biancamano							
HEDC	January 15, 2020						
USDC,	USDC, Eastern District of Missouri, Case No. 4:16 cv-00429						
Plaintiff's	Annial Annothing the same	Zurich's Counter	Plaintiff's Objections				
Designation	Aurich's Objections	Designation	to Counter				
			Designation				
8:24-9:2		5:25, 6:2-6:25, 7/2-7:15, 9:3-10:5, 12:2-/2:10					
10:9-14		10:15-10:20					
13:21-14:8							
15:8-17:10		17:11-18/14					
18:15-18		19:4-19:13					
19:14-19							
20:3-21:4	Objection to 20:13 21:4 for lack of foundation, speculation						
21:11-12							
21:17-22	$\wedge$	and the second s					
22:3-20							
24:18-26:7		32:16-32:25, 33:2-33:4					
27:3-5							
29:2-13							
37:4-14							
38:2-17							
38:22-39:24	Objection, foundation						
41:9-24	Objection, foundation						
42:3-13							
42:16-23	Objection, foundation						

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	Deposition of a	John Quinn	á				
	December 13, 2019						
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429							
		Fluor's Counter	Zurich's Objections to				
Zurich's Designation	Fluor's Objections	Designation	Counter Designation				
	assumes facts not in						
	evidence, ambiguous,						
	confusing [611(a)]						
91:23-92:1	relevance [401, 402]						
	assumes facts not in						
	evidence, ambiguous,						
	confusing [611(a)]						
92:12-93:18	calls for speculation						
	[602, 701, 702]						
	relevance [401, 402]						
93:21–94:2	calls for speculation						
	[602, 701, 702]						
	relevance [401, 402]						
94:4-94:20	calls for speculation						
	[602,701,702]						
	relevance [401, 402]						
94:22-94:24	alls for speculation						
	[602, 701, 702]						
	relevance [401, 402]						
95:3–95:18	calls for speculation						
	[602, 701, 702]						
	relevance [401, 402]						
95:20–96:	calls for speculation						
	[602, 701, 702]		· ·				
	relevance [401, 402]						
96:19	calls for speculation						
	[602, 701, 702]						
	relevance [401, 402]						

#### I. Deposition of Andrew Rothschild (January 14, 2020)

Deposition of Andrew Rothschild January 14, 2020							
USDC,	Eastern District of Mis		cv-00429				
	Fluor's Counter Zurich's Objections to						
Zurich's Designation	Zurich's Designation   Fluor's Objections   Designation   Counter Designation						
17:7–18:3		,					
18:11-19:10	18:11–19:10						
20:10–21:18 relevance [401, 402],							
onenged.	assumes facts not in						

			Т	
	evidence, ambiguous,			
	confusing [611(a)]			
22:17–22:23	relevance [401, 402],			
	assumes facts not in			
	evidence, ambiguous,		}	
trenwed	confusing  611(a)			
	comusing [or r(a)]			
23:10–23:15				
23:21–24:20			4	1
26:18–27:16		26:4-26:17	fern	WI
27:23–28:24	calls for speculation		V	
overwed	602, 701, 702 ,			
	assumes facts not in	,		
	evidence, ambiguous,			
	confusing   611(a) ,			·
	calls for hearsay, no			
	exception [801]			
29:1–29:5				
29:13-30:5				
31:18–33:1	calls for speculation			
ournell	[602, 701, 702]			·
33:14–35:14	calls for hearsay, no			
35.14-35.14	1			
	exception [801],			
	assumes facts not in			
	evidence, ambiguous,			
	confusing [611(a)],			
	calls for speculation			
	[602, 701, 702]			
35:17–35:23	lack of foundation			
	104(a), 901, 902 ,			
ourneled	assumes facts not in			
	evidence, ambiguous,			
	confusing [611(a)],			
	calls for speculation			
	[602, 701, 702]			
36:24–37:5	Improper designation			
Sustained	- not a question	,		
	lack of foundation			
37:9-40:7 P 39 17.				
TO SUCCESSION OF THE COLUMN CO	[104(a), 901, 902],			
Olterura, orunted	calls for speculation			
Caranted	[602, 701, 702]	·		
( Myong				
40:20-40:23 Enember	lack of foundation			
15 Message al	[104(a), 901, 902],			
0 0 0 0 0 0	calls for speculation			
	[602, 701, 702],			
	1 [002, 101, 102],			

	relevance [401, 402]		
41:6-41:16			
41:20-42:2			
43:12-46:5			
46:12-47:4		47:9-47:10 Sugar	
47:15-50:6 P. 48	Objection is to 49:17-	ij stru	
619-23	50:6		
1 P. 49	lack of foundation		
Sustained P. 49	104(a), 901, 902 ,		
P. 50 LI- 6 Sentand	calls for speculation		
Balance fremail		·	
50:8-53:24	calls for speculation		
30:0-33.24	[602, 701, 702], lack		
P50L 7-10 Sintaral	a t farre date as		
p-52 h 9-13	1104(a) 001 0021		
gulaved. Balanier thorneled	[104(a), 701, 704],		
Balances therese	assumes facts not in		
	evidence, ambiguous,		
	confusing [611(a)],		
	calls for hearsay, no		
	exception [801]		
	11 0 1 1	544546	
54:7–54:11	calls for speculation	54:4-54:6 permit	
Austained	[602, 701, 702]	1	
54:16–55:10	calls for hearsay, no		
Sulamed	exception [801], calls	·	
Historia.	for speculation [602,		
	701, 702]		
55:13–56:17			
56:25-62:21	calls for hearsay, no		
overreled	exception [801]		
63:18-66:8	lack of foundation	66:9-66:11 penns	
63:18-66:8 164112-66	[104(a), 901, 902],	/	
68	calls for hearsay, no		
	exception  801		
71:12–91:18	No Objection to		
P72612-7341-	71:12-23, 86:22-24,		
Surlained P 7	87:2-5, 91:9-18;		
18-11 sustained	objections to		
07HL20-75K8	remaining: lack of	,	
sustained P76	foundation   104(a),		
1. 23 sectional	901, 902 ,		
1976.1- TOL.	calls for hearsay, no		
Sustand P826 16	exception  801 ,		
806 Sustand	assumes facts not in		
LSH 7 180	evidence, ambiguous		
L17. Sustained	confusing [611(a)],		
P8861-18968	commaning [orr(a)],		

pustamed. P901-14 sustained. P91-13-8 Sustained. Other balance is otherwest.

	move to strike 75:17-			
	19 as non-responsive			
91:21–91:25				
92:3–94:2	lack of foundation			
overuly	[104(a), 901, 902],			
	relevance [401, 402],			
	assumes facts not in			
	evidence, ambiguous,			
	confusing  611(a)			
94:9-95:20	<u> </u>			
96:5–98:22	No objection to	98:23-99:1	penne	
	97:12-98:22;	JO.12 JJ.1	1	
P. 956 14 16 16 guilarned,	objection to			
200 miles	remaining: calls for			
	, ~ ,			
	speculation [602,			
22.2.22	701, 702]		A	
99:2–99:9	calls for speculation			
Sustained	[602, 701, 702]			
99:11–100:5	assumes facts not in			
Sustained	evidence, ambiguous,			
Sustaines	confusing [611(a)],			
	calls for speculation			
	[602, 701, 702],			
	move to strike 99:11-			
	12 after "the answer"			
	as non-responsive			
100:20–103:1	calls for hearsay, no			
P100-620-P101 L4	exception [801], calls	-		
sustained, P101676	for speculation  602,			
- PIUD L I Sendand.				
p102619-24	701, 702], lack of			
sersainel.	foundation [104(a),			
	901, 902]			
103:3–106:6	No objection to			
\$163 66 - L25 Sentamer 107	104:1-18; objections			
Scertamer 1164	to remaining: calls			
1 1 19 - 3 3 Dustalate	Tor speculation rooz.			
P105L 2-5 Justar P105L 20-25	لم 1701, 702], calls for			
P105L 20-25	hearsay, no exception			
Sentamed,	[801], calls for			
	speculation   602,			
	701, 702			
106:11–108:12	No objection to			
110/11/00 47	to remaining: calls			
Pro76-16-24 Sustained. Ralance over	for hearsay no			
Lalance over	over ion 19011 colle			•
	exception [801], calls			 

	0 1 1 1000		
	for speculation [602,		
	701, 702], lack of		
	foundation [104(a),		
	901, 902]. assumes		
	facts not in evidence,		
	ambiguous, confusing		
·	[611(a)]		
108:22–108:23	calls for speculation		
100.22 100.23	[602, 701, 702], lack		
Sadanel	of foundation		
	[104(a), 901, 902].		
	assumes facts not in		
	ł		
	evidence,		
	ambiguous, confusing		
	[611(a)]	And the state of t	
109:10-111:24	No objection to		
Y11124-47	109:10-19, 109:22-		
Holames. Bolame ourwed	24; objections to		
Bolame	remaining: calls for		
67. 200.14.8	speculation [602,		
o a constant	701, 702], lack of		
	foundation   104(a),		
	901, 902], calls for		
	hearsay, no exception		
	[801], move to strike		
	110:6-8 beginning		
	with "but I have said"		
	as non-responsive		
112:5–113:6	No objection to		
1	112:5-12; objections		
P112 L 13 - 7113			
L 4 Sustained	to remaining: calls		
Balanne	for speculation [602,		
palonne menulul	701, 702], calls for		
1 Commen	hearsay, no exception		
	[801]		
113:9–114:2	calls for speculation		
Sustained	[602, 701, 702], calls		
4 100 CCM Mark	for hearsay, no		
	exception [801]		
114:12–115:25 #9	No objection to		
PHYL18-115L	114:12-25, 115:7-9;		
Sudamel:	objections to		
Balans	remaining: calls for		
Halans	speculation   602,		
Grennly	701, 702], calls for		·
	hearsay, no exception		
	mansay, no exception	<u></u>	

	[801]		
116:12–117:22	[001]		
	anlla for honrary no		,
120:15-120:22 Fislaines	calls for hearsay, no		
	exception [801]		
124:25–125:4	3T 1		
126:2–131:4	No objection to		
P12612-23	129:2-4, 129:7-13;		
nosamel 34 613.	objections to		
1 24 - 1 Pal 30	remaining: lack of		
61 - 14 pulanes,	foundation [104(a),		
Sustained, P. 126 L, 24-P124 b13. Surland, P\$30 L1-14 surland, Balance burned	901, 902]		
131:13-134:3			
134:23–136:17			
136:22–138:9			
139:11–139:25	lack of foundation	138:24-139:10 pen	1
overruly	[104(a), 901, 902],	!	
1 Superior	calls for speculation		
	[602, 701, 702]		
140:14–143:7			
143:11–144:4			
144:8–145:9			
145:14–145:16			
145:18–146:18			
146:23			
147:1–147:4		147:5-147:7 page	2
147:8–147:13	calls for hearsay, no	14/:5-14/:/ pym	
<b>+</b>	exception [801], calls		
Sustamel	for speculation [602,		
	701, 702		
147.17 140.9	lack of foundation		
147:17–149:8	1		
	[104(a), 901, 902],		
Suland	calls for hearsay, no		
Julanta	exception [801], calls		
	for speculation [602,		
1101111010	701, 702]		
149:14–149:19	11.0.1		
149:23–150:8	calls for hearsay, no		
Bustamed	exception [801], lack		
J == 50 V . 5 V	of foundation		
	[104(a), 901, 902]		
150:22–155:7	lack of foundation	155:8-155:9 Penn	
Sustand	[104(a), 901, 902],	1	
, , ,	calls for hearsay, no		
	exception [801]		
155:10-155:13 over	1		
المنازع بمنهي برأ	[104(a), 901, 902]		

;				
	calls for hearsay, no			
	exception [801],			
L16 Surlariad.	relevance [401, 402],			
Balance recurred	calls for hearsay, no			
10 maria / Werney	exception [801]			
160:16–161:2	lack of foundation			
	1104(a), 901, 902,			
sustand	calls for speculation			
	602, 701, 702 , calls			
	for hearsay, no			
	exception [801]			
164:5–165:17	No objection to			
P164L5-14	164:5-16; objections			
1	to remaining:			
Adams	Relevance [401, 402],			
Balance	assumes facts not in			
, and the same of	evidence, ambiguous,			
	confusing  611(a)			
165:21-166:4 Indara	relevance [401, 402]	166:5-166:14	hem	it
166:15-166:20 Sustan	<u> </u>	10010 100111	/	001
167:12-167:185whan				
170:13–172:1	relevance [401, 402]			
170:13–172:1	relevance [401, 402]			
172.5-175.9	calls for hearsay, no		·	
	exception  801			
176:18–176:22	relevance [401, 402],			
	assumes facts not in			
overuled	evidence, ambiguous,			
	confusing   611(a) ,			
	calls for speculation			,
170.2 170.6	[602, 701, 702] lack of foundation			
178:2–178:6	104(a), 901, 902 ,			
- tremula	assumes facts not in			
,				
	evidence, ambiguous, confusing   611(a) ,			
170.12 170.10	relevance [401, 402] lack of foundation			·
178:13–178:19				
(Fremules)	[104(a), 901, 902],			
	assumes facts not in			
	evidence, ambiguous,			
	confusing [611(a)],			
102.2 102.22	relevance [401, 402]			
183:3-183:23	lack of foundation   104(a), 901, 902 ,			
		1		1

P/76/13-18onemald Balance sustained

1	calls for hearsay, no		
	exception [801],		
	assumes facts not in		
	evidence, ambiguous,		
	confusing [611(a)],		
	relevance [401, 402]		
184:5–184:7	lack of foundation		
104.5—104.7	104(a), 901, 902 ,		
oremulal	calls for hearsay, no		
6 cerules	exception  801 ,		
	1 1		
	assumes facts not in		
'	evidence, ambiguous,		
	confusing [611(a)],		
	relevance [401, 402]		
187:10–188:4	lack of foundation		
	[104(a), 901, 902],		
	calls for hearsay, no		
overruled	exception [801],		'
Cocomica	assumes facts not in		
	evidence, ambiguous,		
	confusing [611(a)],		
	relevance [401, 402],		
	Cumulative		
190:21–193:1	Cumulative, Calls for		
, 75	speculation   602,		
P1911_ 1- 1-197	701, 702], Lack of		'
P1912 1-1.25 sustained. P192 L20-25 Infamed	foundation   104(a),	,	
620-19 20 MANNES	901, 902		
197:11–198:9	calls for speculation		
	[602, 701, 702],		
	relevance [401, 402],		
198:19–199:6	assumes facts not in		
- I	evidence, ambiguous,		
ournited	confusing [611(a)],		
	relevance [401, 402],		
	improper designation		
201:14–201:19	mipropor designation		
203:16–206:17		1	
209:5–210:14			
210:18–210:22			
211:11–211:15			1
212:7–212:23		212:24-213:16 por	M'
213:25–214:19		1	
220:18–221:25	Move to strike 221:7-		
P 720118-731125	12 as non-		
Sustained	responsinve		

222:9–223:3		
240:2–240:7		
240:10-240:15		
242:1–242:5		242:6-242:9 grennt
242:10-242:14		242:15-243:6
243:15-244:18		
249:16-249:25	calls for speculation	
Sustanced	[602, 701, 702]	~
250:12–250:20	calls for speculation	251:3-251:8 perm
Sustamed	[602, 701, 702]	V
251:13–252:6		
253:20–256:2		·
262:12–262:18		

8. John Mahoney

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#### E. Deposition of John Mahoney (January 14, 2020)

Deposition of John Mahoney				
January 14, 2020				
USDC, Eastern District of Missouri, Case No. 4:16-cv-00429				
		Fluor's Counter	Zurich's Objections to	
Zurich's Designation	Fluor's Objections	Designation	Counter Designation	
6:5–6:16				
8:16–8:25				
9:2–9:25				
10:2–10:25				
11:2–11:4				
11:8–11:25				
12:2-12:25			'	
13:2–13:25				
14:2–14:8				
14:10–14:25				
15:2-15:25	1			
16:2–16:24				
17:23–17:25				
18:2				
19:8–19:12				
27:6–27:25				
55:12–55:25				
58:14-58:25		54:8-55:2 arm	escara-	
59:2–59:9				
100:15-100:19				
136:6–136:25				
137:2–137:11	calls for speculation	137:15-17 perms 137:19-22 perms		
	[602, 701, 702]	137:19-22	·	
	assumes facts not in			
	evidence,			
	ambiguous,			
	confusing [611(a)]			
137:12–137:13	Sustamen	137:24-138:12 pagas	A reserved	

USDO	Januar	John Mahoney y 14, 2020 issouri, Case No. 4:16-cy	7 <b>-0</b> 0429
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
37:13-19			
38:16-20			
39:19-41:14			
42:12-15 Sestarnes	Objection, calls for speculation		
42:18-45:4 Austonies 45:12-19	Objection to 42:18 as speculation		
45:24-47:5		47:6-47:10	
47:11-48:10		47:6-47:10 permit	
48:23-25			
49:5-6			
49:8			
49:10			
49:12			
49:14-23			
50:3-14			
50:23-51:3			
51:8-12			
53:18-54:7			
55:3-25			
56:2-6		56:7-56:18	
56:19-57:10		00.7-30.18	
58:4-18		58:19-59:3	
		59:7-59:9	
59:4-6	N 1 ( 1 1 50 7 50 0	PARAL.	
1:7-9,59:10-24 oueruh	Need to include 59:7-59:9 for completeness	59:25-60:18 Print	
60:19-61:19			
62:10-15			
67:8-25			· · · · · · · · · · · · · · · · · · ·
68:2-15			
68:21-25			
69:2-21			
70:8-15		,	
70:24-71:7			
72:4-9			
72:11			
72:15-16			
73:15-74:3			
75:17-19			
75:22			

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cy-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
77:6-11 Suntainel 80:2-25	Objection, argumentative, counsel testimony		, and the second
81:2-15	. ()		
81:24-25	Jak .		
Ψ	Objection, foundation		
82:25-83:11	Jed-		
83:16-24	6 P T		
84:5-21 only	Objection, foundation		
88:18-20	rulal		
89:25-90:3 bull	Objection, foundation		
90:6	Objection, foundation		
90:8-9			
90:18-20	. 0		
90:25-91:7	· LUX-		
92:6-17 MM	Objection, foundation, speculation		
93:12-18	Objection, unintelligible, assumes facts not in evidence		
94:5-10	Objection, speculation, foundation		
96:14-97:2			
98:5-18			
98:21-100:14			
112:12-14		100:15-100:19	
112:22-24			
113:9-11			
113:24-114:20	Weed to add 114:21-114:25 for completeness		
115:2-8			
115:22-25			
117:8-18			
118:22-25	Objection, irrelevant,		
119:9-14	unfairly prejudicial		
	Objection, irrelevant, unfairly prejudicial		
121:8-20	Objection, subject to Zurich MIL 11	) They will be	
122:5-25	Objection, subject to Zurich MIL 11	< rededosta	
123:2-11	Objection, subject to Zurich MIL 11	sta policy	11 elitas
124:6-14	Objection, foundation,	I Disak LAWW	100 F
	2.0	Henvell be revel ofte sta policy but determent burned of a	restron by greets

Deposition of John Mahoney January 14, 2020 USDC, Eastern District of Missouri, Case No. 4:16-cv-00429			
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation
	counsel testimony		
124:16-125:2 orunul	Objection, foundation, counsel testimony		
125:12-126:5	Objection, foundation, counsel testimony		
126:8	Objection, foundation, counsel testimony		
126:16-19	Objection, foundation, counsel testimony		
136:6-137:7		137:8-137:11, 137:13	
139:18-140:2	Objection, foundation,		
Memulal	counsel testimony		
140:6	Objection, foundation,		
nemely	counsel testimony		
140:20-141:5 orenned	Objection, foundation, counsel testimony		

#### J. Deposition of Andrew Rothschild, January 14, 2020

Zurich objects to all of Fluor's designations of Andrew Rothschild's Rule 30(b)(6) deposition testimony. Rothschild was deposed as a Rule 30(b)(6) witness for non-party Doe Run; his testimony as designee cannot be read into evidence in court under Fed. R. Civ. P. 32(a)(1)(C)(3), because he was not the designee of a party, nor is Fluor adverse to Doe Run. Much of Rothschild's testimony also separately fails to meet the requirements of Fed. R. Civ. P. 32(a)(1)(B), that the deposition "be admissible under the Federal Rules of Evidence if the deponent were present and testifying" in court. Rothschild testified as Doe Run's corporate representative about matters outside his own personal knowledge, based on hearsay and information purportedly learned from others.

Deposition of Andrew Rothschild January 14, 2020 USDQ, Eastern District of Missouri, Case No. 4:16 cv-00429				
Plaintiff's Designation	Zurich's Objections	Zurich's Counter Designation	Plaintiff's Objections to Counter Designation	
18:11-19:10	The state of the s	7:7-18:3, 20:10-21:18, 23:17-22:23	1 sognation	
23:10-15				
23:21-23	\$* \delta_{\text{2}}	23:24-24:20, 26:18-21		
26:22-27:16		27:23 28:24, 29:1-29:5		
29:6-7		1		
29:13-21		29:22-30.5		
31:12-15	V	31:18-33:1 33:14-35:14, 35:17-35:23 36:24-37:23		

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SO ORDERED this 25th day of July, 2021.

E. RICHARD WEBBER

SENIOR UNITED STATES DISTRICT JUDGE